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THE UNITED NATIONS AND THE SITUATION IN RWANDA

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THE UNITED NATIONS AND THE SITUATION IN RWANDA

BACKGROUND

Fighting between the Armed Forces of the Government of Rwanda and the Rwandese Patriotic Front (RPF) first broke out in October 1990 across the border between Rwanda and its northern neighbour, Uganda. Despite a number of cease-fire agreements thereafter, hostilities resumed in the northern part of the country in early February 1993. These interrupted comprehensive negotiations between the Government of Rwanda and RPF, which were supported by the Organization of African Unity (OAU) and facilitated by the United Republic of Tanzania.

In support of resumption of the negotiations, Rwanda and Uganda, in separate letters to the President of the Security Council on 22 February 1993, called for the deployment of United Nations military observers along the 150-kilometre common border in order to prevent the military use of the area, especially the transportation of military supplies. RPF control of the border area had been extensive.

Following consultations of the Security Council on 24 February concerning these letters, United Nations Secretary-General Boutros Boutros-Ghali decided to send a goodwill mission to Rwanda and Uganda. He instructed the mission to examine all major aspects of the peace process including the possibility of deploying military observers along the border. The goodwill mission carried out this mandate from 4 to 18 March 1993.

Meanwhile, efforts by OAU and Tanzania led to a meeting between the Government of Rwanda and RPF from 5 to 7 March at Dar-es-Salaam, the capital of Tanzania. In a closing joint communiqué, the Government of Rwanda and RPF pledged their commitment to a negotiated settlement and agreed to reinstate the cease-fire on 9 March and to the resumption of peace talks in Arusha, Tanzania. They also committed themselves to providing adequate security and protection to displaced persons.

On 12 March 1993, the Security Council, by its resolution 812 (1993), called on the Government of Rwanda and RPF to respect the renewed cease-fire, to resume negotiations, to allow the delivery of humanitarian supplies and the return of displaced persons, and to fulfil the obligations and commitments the parties had made in the past. The Council also welcomed the goodwill mission the Secretary-General had sent to Rwanda and Uganda. Finally, it asked him to examine the requests of those two countries for the deployment of observers along their common border.

The Secretary-General dispatched a technical mission to the border area between Rwanda and Uganda which visited Uganda from 2 to 5 April and Rwanda on 6 April. It reported that it would be possible to deploy United Nations military observers to monitor the border between Uganda and Rwanda and verify that no military assistance — lethal weapons, ammunition and other material of possible military use — was being provided across it. It was decided that deployment of the observers would be on the Ugandan side of the border only.

SECURITY COUNCIL AUTHORIZES UNOMUR

On 22 June 1993, the Security Council, by its resolution 846 (1993), authorized the establishment of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) on the Uganda side of the common border, for an initial period of six months, subject to review every six months. The Council decided that the verification would focus primarily on transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material which could be of military use.

The Council welcomed the Secretary-General's decision to support the peace-keeping efforts of OAU by putting two military experts at its disposal to help expedite the deployment of OAU's expanded Neutral Mili-

tary Observer Group (NMOG) [1/] to Rwanda. It also urged the Government of Rwanda and RPF to conclude quickly a comprehensive peace agreement, and requested the Secretary-General to report on the contribution the United Nations could make to assist OAU in implementing this agreement and to begin contingency planning in the event that the Council decided that such a contribution was needed. As requested by resolution 846 (1993), the United Nations undertook consultations with the Government of Uganda with a view to concluding a status of mission agreement for UNOMUR. The agreement was finalized and entered into force on 16 August 1993. This opened the way to deployment of an advance party which arrived in the mission area on 18 August. By the end of September, UNOMUR had reached its authorized strength of 81 military observers and was fully operational. Observers were provided by the following countries: Bangladesh, Botswana, Brazil, Hungary, Netherlands, Senegal, Slovak Republic and Zimbabwe. The mission also included 10 international and six local civilian support staff.

ARUSHA PEACE TALKS

Meanwhile, the Arusha talks on a comprehensive peace agreement between the Government of Rwanda and RPF had reconvened on 16 March 1993. The United Nations Secretary-General was represented by Mr. Macaire Pédanou, head of the United Nations goodwill mission that visited Rwanda earlier that month.

The talks covered military issues, refugees and displaced persons, and outstanding political matters, including the amendment of the constitution, as well as the duration of the transitional period. Early in the talks, the parties also began to discuss an international neutral force to oversee the implementation of key aspects of the peace agreement and to create confidence during the transition period.

The talks in Arusha were successfully concluded on 4 August 1993 with the signing of a comprehensive peace agreement, which called for a democratically elected government and provided for the establishment of a broad-based transitional Government until the elections, in addition to repatriation of refugees and integration of the armed forces of the two sides. The two parties called for a neutral international force to help implement the agreement.

In a joint request to the Security Council from Arusha on 11 June, the two parties called on the United Nations to send a reconnaissance mission to Rwanda. This mission would prepare for the quick deployment of a neutral international force as soon as the peace agreement under negotiation was signed. The request welcomed the OAU suggestion that the United Nations should assume responsibility for and command of such a force. The parties asked that the force assist in the maintenance of public security and in the delivery of humanitarian aid. It would also assist in searches for weapons caches, neutralization of armed bands, demining, disarmament of civilians and the cessation of hostilities. The parties also requested that the international force oversee the demobilization of existing armed forces and of all aspects of the formation of the new National Army and National Gendarmerie.

UNAMIR RECOMMENDED

A United Nations reconnaissance mission visited Rwanda from 19 to 31 August 1993. Its senior officials also visited Dar-es-Salaam on 1 and 2 September and Addis Ababa on 3 September for consultations with the Government of Tanzania and the Secretary-General of OAU respectively.

On the basis of the mission's findings, the Secretary-General submitted to the Security Council, on 24 September, a report in which he recommended the establishment of a United Nations Assistance Mission for Rwanda (UNAMIR), with the mandate of "contributing to the establishment and maintenance of a climate conducive to the secure installation and subsequent operation of the transitional Government".

According to the Secretary-General, the principal functions of UNAMIR would be to assist in ensuring the security of the capital city of Kigali; monitor the cease-fire

agreement, including establishment of an expanded demilitarized zone (DMZ) and demobilization procedures; monitor the security situation during the final period of the transitional Government's mandate leading up to elections; and assist with mine-clearance. The Mission would also investigate alleged non-compliance with any provisions of the peace agreement and provide security for the repatriation of Rwandese refugees and displaced persons. In addition, it would assist in the coordination of humanitarian assistance activities in conjunction with relief operations.

The Secretary-General proposed that the military observers of UNOMUR come under the command of the new Mission, while maintaining their separate monitoring tasks on the Uganda-Rwanda border. The Mission would also incorporate elements of NMOG II which was mandated by OAU to supervise the cease-fire until 31 October 1993.

SECRETARY-GENERAL OUTLINES MANDATE

The Secretary-General recommended that the operation be conducted in four phases.

The first phase would begin on the day the Security Council established UNAMIR and would end on D-Day, the day on which the transitional Government was installed. It was estimated that the transitional Government might not be installed until the end of 1993. The objective of the Mission would be to establish conditions for the secure installation of such a Government. By the end of that phase, the strength of UNAMIR would total 1,428 military personnel.

During phase two, expected to last 90 days or until the process of disengagement, demobilization and integration of the Armed Forces and Gendarmerie began, the build-up of the Mission would continue to a total of 2,548 military personnel. During this phase, UNAMIR would continue to monitor the DMZ, to assist in providing security in Kigali and in the demarcation of the assembly zones, and to ensure that all preparations for disengagement, demobilization and integration were in place.

During phase three, which would last about 9 months, the Mission would establish, supervise and monitor a new DMZ. Security would also continue to be provided in Kigali. The disengagement, demobilization and integration of the Forces and the Gendarmerie would be completed in this stage, and the Mission would reduce its staff to approximately 1,240 personnel.

Phase four, which would last about four months, would see a further reduction of the Mission's strength to the minimum level of approximately 930 military personnel. UNAMIR would assist in ensuring the secure atmosphere required in the final stages of the transitional period leading up to the elections.

In order to verify that law and order were maintained effectively and impartially, the Secretary-General proposed to deploy a small United Nations civilian police unit in Kigali and the nine prefecture capitals of Rwanda and in specific police installations.

UNAMIR ESTABLISHED

UNAMIR was established on 5 October by Security Council resolution 872 (1993) for an initial period of six months with the proviso that it would be extended beyond the initial 90 days only upon a review by the Council. In connection with this, the Secretary-General would report on any substantive progress made towards the implementation of the Arusha Peace Agreement.

The Council noted that UNAMIR's mandate would end following national elections and the installation of a new government in Rwanda, events which were scheduled to occur by October 1995, but no later than December 1995. In that context, the Council authorized the Secretary-General to deploy a first contingent to Kigali, which, when fully in place, would permit the establishment of the transitional institutions and implementation of the other relevant provisions of the Peace Agreement.

By resolution 872 (1993), the Council also urged the parties to implement the Arusha Agreement in good faith and called upon Member States, United Nations

specialized agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance in favour of the Rwandese population and the democratization process in Rwanda.

The Council welcomed the intention of the Secretary-General to appoint a Special Representative who would lead UNAMIR in the field and exercise authority over all its elements.

UNOMUR ACTIVITIES

UNOMUR established its headquarters in Kabale, Uganda, about 20 kilometres north of the border with Rwanda. It also established observation posts at two major crossing sites and three secondary sites on the Ugandan side of the border. The mission monitored the border area through mobile patrols and enhanced its operational capability with airborne coverage.

The Secretary-General, in his 15 December 1993 report to the Security Council, noted that UNOMUR had been "a factor of stability in the area and that it was playing a useful role as a confidence-building mechanism". He therefore recommended to the Council that the mandate of the mission be extended for a period of six months.

The Security Council, by its resolution 891 (1993) adopted on 20 December 1993, extended UNOMUR's mandate by six months. The Council expressed its appreciation to the Government of Uganda for its cooperation and support for UNOMUR and also underlined the importance of a cooperative attitude on the part of the civilian and military authorities in the mission area.

UNAMIR DEPLOYED

The UNAMIR Force Commander, Brigadier-General Romeo A. Dallaire (Canada), arrived in Kigali on 22 October 1993, followed by an advance party of 21 military personnel on 27 October. On 1 November, as foreseen in the Secretary-General's report, NMOG II was integrated into UNAMIR. The demilitarized zone sector headquarters was established upon the arrival of the advance party and became operational on 1 November 1993 when the NMOG II elements were absorbed into UNAMIR.

The deployment of a UNAMIR battalion in Kigali that was composed of contingents from Belgium and Bangladesh was completed in the first part of December 1993. The Kigali weapons-secure area was established on 24 December.

The Secretary-General's Special Representative for Rwanda, Mr. Jacques-Roger Booh-Booh, former Minister for External Relations of Cameroon, arrived in Kigali on 23 November 1993 and established his headquarters in the Rwandese capital.

At a meeting on 10 December 1993, initiated by the Special Representative, the Government and RPF issued a joint declaration reaffirming their commitment to the provisions of the Arusha Peace Agreement. They agreed to set up a broad-based transitional Government and the Transitional National Assembly before 31 December 1993.

In his 30 December 1993 report to the Security Council, the Secretary-General pointed out that most of the projected tasks of phase one of the implementation plan had been accomplished. He underlined that, despite signs of mutual intransigence, the parties had continued to show good will and cooperation in their contacts with each other and with the United Nations. The cease-fire was also respected.

The Secretary-General recommended that the Security Council agree that UNAMIR should continue to implement its mandate. In this regard, he intended to proceed with the implementation plan, including the early deployment of the second battalion in the DMZ.

The Security Council, by its resolution 893 (1994) of 6 January 1994, endorsed these proposals. The Council strongly urged the parties to cooperate with UNAMIR in furthering the peace process, to comply fully with the Arusha Peace Agreement and, in particular, to establish a broad-based transitional Government at the earliest opportunity.

IMPLEMENTATION PLAN DELAYED

In accordance with the Arusha Peace Agreement, which provided that the incumbent head of State would remain in office until the elections, Major-General Juvénal Habyarimana was sworn in as President of Rwanda on 5 January 1994. However, expectations that the transitional Government and the Transitional National Assembly would also be installed on that same day could not be met because of the inability of the parties concerned to agree on several issues, including the lists of members of these bodies.

The failure to set up the transitional institutions not only delayed the completion of phase one of the implementation plan, but also contributed to a deterioration of the security situation in the country and posed a threat to the peace process. January and February 1994 saw increasingly violent demonstrations, roadblocks, assassination of political leaders and assaults on and murders of civilians.

Following an upsurge in violent incidents in late February, culminating in the assassination of two prominent political leaders and the ambush of a UNAMIR-escorted RPF convoy, the Government imposed a curfew in Kigali and in a number of other cities. Subsequently, the security situation began to stabilize, especially following the increased support provided to the National Gendarmerie by UNAMIR military and civilian police components.

In the course of January–March 1994, the Secretary-General and his Special Representative, supported by a number of Governments both within and outside the region, as well as the OAU Secretary-General and the observer States to the peace process, continued to promote agreement among the parties on the setting up of the transitional institutions. However, notwithstanding some progress in the negotiations, all attempts to install those institutions failed.

CEASE-FIRE HOLDS

On the positive side, despite the increased tensions and insecurity engendered by the political impasse, the cease-fire was generally holding. UNAMIR forces, whose operational capacity was enhanced with the deployment of additional personnel and equipment, continued to play a stabilizing role.

Although the persistent stalemate on the establishment of the transitional institutions delayed the start of phase two operations, UNAMIR forces earmarked for that phase were in place and ready to begin operations on short notice. In addition, preparations for phase three, which would involve the actual disengagement, demobilization and integration of the armed forces of the parties, had begun.

With the arrival of the UNAMIR Police Commissioner, Colonel Manfred Bliem (Austria), on 26 December 1993 and of the police units in January and February 1994, the UNAMIR civilian police contingent (CIVPOL) set up its headquarters in Kigali and reached its authorized strength of 60 civilian police monitors. In carrying out its mandate, which was to assist in maintaining public security through the monitoring and verification of the activities of the Gendarmerie and the Communal Police, CIVPOL worked closely with both bodies in Kigali.

HUMANITARIAN ASSISTANCE TO APRIL 1994

On 15 April 1993, the United Nations launched an inter-agency appeal for international assistance to Rwanda to cover the period from April to December 1993, amounting to $78 million to meet the needs of over 900,000 war-displaced people, or approximately 13 per cent of the nation's population. The appeal was the result of a request by the President of Rwanda to the Secretary-General earlier in 1993, following a three-fold increase in the number of the displaced persons, whose emergency needs had overwhelmed local capacity to supply them.

Most of the displaced people were living in and around 30 camps where serious malnutrition and disease were prevalent. The situation was exacerbated by Rwanda's already precarious economic condition, over-

population and rapidly declining agricultural production.

An inter-agency mission, led by the United Nations Department of Humanitarian Affairs, had been fielded between 18 and 25 March 1993 to prepare a consolidated appeal with all concerned United Nations agencies. The appeal presented priority emergency relief projects focusing on food, nutrition, health, water and sanitation, shelter and household items and education. As of the end of November 1993, contributions in cash and in kind amounting to some $33 million had been made available to the United Nations agencies carrying out humanitarian activities in Rwanda.

With the signing of the Arusha Peace Agreement, it was estimated that some 600,000 individuals had returned home, thus easing the emergency situation that had prevailed earlier in the year; as a result, the emphasis of the humanitarian assistance efforts had shifted to meeting the needs of the displaced returning home. At the same time, some 300,000 people who remained displaced continued to rely on emergency assistance in the camps.

In recommending the establishment of UNAMIR, the Secretary-General had stated that humanitarian assistance to displaced persons and refugees, as well as to demobilized soldiers, would have to be coordinated with the Mission's activities. Mine-clearance had been earmarked as a priority to ease the threat to displaced persons and to humanitarian agencies seeking to deliver assistance.

EXTENSION OF UNAMIR MANDATE

The Secretary-General again reported to the Security Council on the situation in Rwanda on 30 March 1994. He stated that continued international support for UNAMIR would depend upon the full and prompt implementation of the Arusha Peace Agreement by the parties concerned and urged them to make a determined effort to reach agreement on the establishment of the broad-based transitional Government and the Transitional National Assembly.

The Secretary-General was encouraged by the fact that, in spite of increasing tensions, the parties had maintained the process of dialogue. He believed that UNAMIR should continue to support the dialogue to resolve the remaining differences in order to complete phase one of the implementation plan and to facilitate phase two operations. Therefore, the Secretary-General recommended that the Council extend the mandate of UNAMIR for a period of six months, during which time he would keep the Council informed of the pace of progress in the implementation of the Arusha Peace Agreement. However, in the event that the transitional institutions were not installed within the following two months and if sufficient progress in the implementation of the next phase of the agreement had not also been achieved, the Council should then review the situation, including the role of the United Nations.

On April 5, 1994, the Security Council, by its resolution 909 (1994), expressed its "deep concern at the delay in the establishment of the broad-based transitional Government and the Transitional National Assembly" and, stating that it was "concerned at the deterioration in security in the country, particularly in Kigali", decided to extend the mandate of UNAMIR until 29 July 1994. It noted that it would review the situation within six weeks if the Secretary-General informed it that the transitional institutions provided for under the Arusha Peace Agreement had not been established and that insufficient progress had been made for implementation of phase two of UNAMIR's activities.

RENEWED FIGHTING IN RWANDA

On 6 April 1994, a plane carrying President Juvénal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi crashed at Kigali airport, killing all those on board. The cause for the crash could not be determined without a full investigation, which has not taken place.

Following the deaths of the two Presidents, widespread killings having apparently both ethnic and political dimensions began in Kigali and also in other parts

of the country. A civil war broke out after the air crash which led to country-wide massacres of the Hutu opposition and intelligentsia, as well as members of the Tutsi minority and other RPF supporters.

Within two weeks, the deaths were considered to number tens of thousands. According to reports at the time, the killings were started by unruly members of the Presidential Guard, and then spread quickly throughout the city. RPF units subsequently became involved in the fighting. After the provisional Government disintegrated, an interim Government was proclaimed on 8 April 1994, but it left the capital on 12 April 1994 as fighting between the armed forces and RPF intensified and established itself in Gitarama, 40 kilometres south-west of Kigali.

Victims in the violence included Prime Minister Agathe Uwilingiyimana and 10 Belgian members of UNAMIR. The Secretary-General condemned the acts of violence and attacks on the members of UNAMIR in the strongest terms.

Following the murder of the Belgian soldiers and threats to Belgian nationals, the Government of Belgium decided to withdraw its battalion from UNAMIR. UNAMIR found it impossible to carry on with its original mandate, and instead concentrated on: securing an agreement on a cease-fire to be followed by political negotiations; protecting civilians in all possible ways; negotiating a truce with the two parties to permit the evacuation of expatriates; assisting in evacuations; rescuing those trapped in the fighting; and providing humanitarian assistance to large groups of displaced persons under UNAMIR protection.

NEW MEASURES

On 14 April, the Secretary-General discussed with the Security Council possible ways of dealing with the situation.

Despite direct contacts between the two sides under the auspices of UNAMIR on 15 April, both adopted rigid positions, undermining negotiations for a cease-fire. Violence continued in the streets, as did fighting between Rwandese Government Forces (RGF) and RPF forces. UNAMIR headquarters was hit on 19 April, although there were no casualties.

On 20 April 1994, the Secretary-General reported to the Security Council that UNAMIR personnel "cannot be left at risk indefinitely when there is no possibility of their performing the tasks for which they were dispatched."

The military personnel in UNAMIR stood at 1,515 on that date, down from 2,165, while military observers numbered 190, down from 321.

The Secretary-General proffered three alternatives to the Security Council.

Assuming there was no realistic prospect of the two sides agreeing on an effective cease-fire in the immediate future, combat and massacres could only be averted by an immediate and massive reinforcement of UNAMIR and a change in its mandate to allow it to coerce opposing forces into a cease-fire. This would require several thousand additional troops and could require that UNAMIR be given enforcement powers under Chapter VII of the United Nations Charter.

Alternatively, a small group, headed by the Force Commander, would remain in Kigali to act as an intermediary between the two parties in an attempt to bring them to an agreement on a cease-fire. This effort could be maintained for a period of up to two weeks or longer, should the Council so prefer. The total military personnel would number about 270. But a full relief effort would be impossible without a cease-fire under this arrangement, the Secretary-General pointed out.

Finally, the Secretary-General noted that UNAMIR could be completely withdrawn, although he did not favour this alternative. The cost of withdrawal in human lives could be very severe, the Secretary-General cautioned.

In presenting the alternatives, the Secretary-General emphasized that the Government of Rwanda, or its successor, and the RPF bore responsibility for seeking peace. He also expressed sympathy for bereaved

Rwandese families, offered condolences to the Government of Belgium and the families of the Belgian peacekeepers who were killed, and recorded his high commendation to the personnel of UNAMIR, his Special Representative and the Force Commander for their work.

On 21 April 1994, the Security Council decided in its resolution 912 (1994) to reduce UNAMIR to the numbers recommended by the Secretary-General in his second alternative. It also adjusted the mandate of UNAMIR so that it would act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire; assist in the resumption of humanitarian relief operations to the extent feasible; and monitor developments in Rwanda, including the safety and security of civilians who sought refuge with UNAMIR. In the resolution, the Security Council also stressed that the Arusha Peace Agreement remained central to the peace process in Rwanda, strongly condemned the attacks against UNAMIR and other United Nations personnel, and demanded an immediate cessation of hostilities between the forces of the Government of Rwanda and RPF.

The Secretary-General's Special Representative participated in the Arusha talks on 22 and 23 April where a cease-fire statement was presented. Although cease-fire negotiations could not take place, the meeting contributed to a unilateral declaration of a cease-fire by RPF.

HUMANITARIAN ACTIVITIES

Because of the deterioration in the security situation, the evacuation of humanitarian personnel was recommended on 9 April 1994, and humanitarian activities were temporarily suspended. However, the United Nations agencies participating in the United Nations Disaster Management Team in Rwanda recommenced their coordination efforts in Nairobi within days of the evacuation, under the aegis of the newly-created United Nations Rwanda Emergency Office (UNREO). Efforts at limited cross-border humanitarian assistance proved possible, primarily from Uganda but also from Burundi. The World Food Programme (WFP) was able to carry out limited food distribution from existing WFP stocks in southern Rwanda.

As fighting continued in and around Kigali, Under-Secretary-General for Humanitarian Affairs Peter Hansen led an inter-agency Advance Humanitarian Team (AHT) into the city on 23 April 1994. Composed of members of the Department of Humanitarian Affairs, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the World Health Organization, the team assessed needs in the Kigali area and, in conjunction with United Nations and other humanitarian agencies operating out of Uganda, in most RPF-controlled areas as well. Aid efforts in Kigali, such as the provision of UNICEF medical and health kits and high nutrition biscuits, were immediately initiated by the AHT in close collaboration with UNAMIR. Efforts by members of the humanitarian team to obtain access to WFP food stocks held in warehouses in Kigali, however, were repeatedly blocked by hostile fire.

Within a week of the humanitarian team's mission, a sub-office of UNREO was set up in Kabale, Uganda. Staffed with personnel seconded by UNHCR and non-governmental organizations (NGOs), the Kabale office helped coordinate cross border relief efforts into Rwanda. Uganda-based efforts to provide humanitarian aid in RPF-controlled areas expanded rapidly as security conditions allowed. These coordinated efforts included a number of international NGOs and were coordinated closely with the work of the International Committee of the Red Cross (ICRC). Access to most of the needy population in RGF-controlled areas, where the number of internally displaced people was estimated to be as many as a million, continued to prove virtually impossible due to severe security problems. United Nations agencies based in Burundi, especially UNHCR, UNICEF and WFP, continued efforts to obtain first-hand information on needs in these areas, and to provide aid whenever the security situation allowed. On 25 April, the Department of Humanitarian Affairs launched a "flash appeal" on behalf of United Nations agencies for

immediate emergency operations and contingency actions related to Rwanda. This appeal, for $8 million, received a mixed response from donors.

Soon after the launch of the "flash appeal", the humanitarian situation changed dramatically. In the most rapid exodus of this scale UNHCR had ever recorded, more than 250,000 Rwandese refugees poured across the Rusumo Falls border crossing point into Tanzania within 24 hours. Although UNHCR had pre-positioned food, blankets, and other relief supplies for 50,000 persons, the continued exodus along this border forced the creation of a massive relief operation. The international relief community, with overall coordination by UNHCR, rushed to help the Tanzanian Government and local residents cope with the massive influx of refugees. UNHCR made an urgent appeal to donors for an additional $56 million to meet the needs of refugees in the region, and particularly those crossing into Tanzania.

SECRETARY-GENERAL SEEKS FURTHER ACTION

On 29 April 1994, the Secretary-General wrote to the Security Council that the situation had further deteriorated in Kigali and other parts of Rwanda. The capital city was effectively divided into sectors controlled by RGF and RPF, the Secretary-General wrote, with frequent exchanges of artillery and mortar fire between the two sides. UNAMIR reported strong evidence of preparations for further massacres of civilians in the city, while massacres continued on a large scale in the countryside, especially in the south.

The developments raised serious questions about the viability of the revised mandate which the Security Council gave to UNAMIR on 21 April. It had become clear that UNAMIR did not have the power to take effective action to halt the continuing massacres, and would be unable to protect threatened people in Kigali if a new wave of massacres were to start. According to some estimates, as many as 200,000 people had died over the previous three weeks.

While some of the massacres had been the work of uncontrolled military personnel, most of them had been perpetrated by armed groups of civilians taking advantage of the complete breakdown of law and order in Kigali and many other parts of Rwanda, the Secretary-General continued, and they could be prevented only if law and order were restored. The Secretary-General urged the Security Council to consider again what action, including forceful action, it could take or could authorize Member States to take, in order to end the massacres.

Although such action would require a commitment of human and material resources on a scale which Member States had so far proved reluctant to contemplate, the Secretary-General said the scale of human suffering and its implications for the stability of neighbouring countries left the Security Council with no alternative but to examine this possibility.

The Secretary-General continued to provide daily briefings to the Security Council, including details on Rwanda's security situation. This had rapidly deteriorated, with large-scale massacres taking place.

On 30 April 1994, the President of the Security Council issued a statement demanding that the interim Government of Rwanda and RPF take effective measures to prevent any attacks on civilians in areas under their control. It called on the leadership of both parties to condemn publicly such attacks and to commit themselves to ensuring that persons who instigate or participate in such acts are individually responsible, noting that the killing of members of an ethnic group with the intention of destroying such a group in whole or in part constitutes a crime punishable under international law.

The Security Council also called on all States to assist UNHCR and other humanitarian and relief agencies operating in the area in meeting the urgent humanitarian needs in Rwanda and its bordering States, and asked bordering States, working with OAU, to provide appropriate protection to refugees and to facilitate transfer of goods and supplies to meet the needs of the displaced persons within Rwanda.

It appealed to all States to refrain from providing arms or any military assistance to the parties to the conflict, and stated its willingness in principle to consider promptly the application of an arms embargo to Rwanda.

Along with other requests, the Council asked the Secretary-General, in consultation with the Secretary-General of OAU, to report further on how to help restore law and order in Rwanda and provide security for displaced persons and to explore urgently ways of extending humanitarian relief assistance to refugees and displaced persons.

Among other measures in response to the Security Council's statement, the Secretary-General wrote to a number of African countries and to the Secretary-General of OAU to explore ways through which such countries could contribute troops to help resolve the tragic situation in Rwanda.

On 3 May 1994, the Secretary-General sent a letter to the President of the Security Council in which he informed him of the action he had taken with respect to communications sent to African leaders, and also mentioned that he had personally spoken with President Hosni Mubarak of Egypt, Chairman in Office of OAU, about the problems in Rwanda, in addition to discussing the matter with the OAU Secretary-General.

In a subsequent letter, dated 6 May 1994, the President of the Security Council asked the Secretary-General to prepare contingency plans to deliver humanitarian assistance and support of displaced persons in Rwanda, and indicated that the Council might later seek indications on logistics and financial implications of an expanded United Nations or international presence in Rwanda.

UNAMIR EXPANDED

The Secretary-General reported on 13 May 1994 to the Security Council that UNAMIR had been reduced to 444 all ranks in Rwanda, with 179 military observers at Nairobi pending repatriation or redeployment to the Mission. He also stated that the situation in Rwanda remained "highly unstable and insecure, with widespread violence." A "major humanitarian crisis" had developed, with nearly 2 million people having been displaced.

He noted that in collaboration with other United Nations organizations, the Department of Humanitarian Affairs had established UNREO to coordinate humanitarian relief activities. Medical and nutritional supplies from UNICEF had been distributed in parts of Kigali where access was possible, he noted, while WFP had been able to deliver more than 500 tons of food in the north and 840 tons of food in the south.

UNAMIR, UNREO, the operational United Nations agencies and NGOs working in Rwanda agreed on a division of labour for humanitarian assistance and on a set of principles to serve as the basis for humanitarian operations in Rwanda. These included ensuring the security of relief efforts; joint identification of distribution sites by responsible authorities and United Nations humanitarian organizations; clear identification of interlocutors to represent the authorities for discussion of humanitarian operations; acceptance by authorities of the monitoring and reporting responsibilities of the United Nations organizations regarding the distribution and use of relief materials; and an understanding that aid should be provided based on need, regardless of race, ethnic group, religion or political affiliation. Both sides subsequently agreed on the principles.

The Secretary-General recommended to the Security Council that it provide a new mandate to create UNAMIR II, which would include 5,500 troops. UNAMIR II would, *inter alia*, support and provide safe conditions for displaced persons and other groups in Rwanda and would help with the provision of assistance by humanitarian organizations. The force would work on behalf of displaced persons in the interior of the country, as well as on the border.

Displaced persons in the interior of the country outnumbered those in border areas or in neighbouring countries by a factor of five, the Secretary-General pointed out. In addition, if humanitarian efforts were concentrated on border areas, the protected sites could

act as a magnet to people in need in the interior of the country and increase the number of displaced persons.

UNAMIR II would also monitor border crossing points and the two parties' deployment. While its rules of engagement would not envisage enforcement action, it could be required to take action in self-defence against those who threatened protected sites and populations and the means of delivery and distribution of humanitarian relief.

Deployment of UNAMIR II would be conducted in three phases over a one-month period. During the first phase, which would last for one week following the adoption of the enabling resolution by the Security Council, one full-strength battalion would ensure the protection of Kigali International Airport and other sites in the city where thousands had sought refuge. In the second phase, extending for two weeks after the adoption of the resolution, two more battalions would be deployed, along with advance elements of a support battalion and all of the force headquarters and signal squadron. The rest of the support battalion and two other infantry battalions would be deployed during the third phase, to be completed one month after adoption of the enabling resolution. The Secretary-General estimated that deployment of approximately 5,500 troops for a six-month period would cost about $115 million.

On 17 May 1994, the Security Council in resolution 918 (1994) demanded that all parties to the conflict immediately cease hostilities and agree to a cease-fire. It expanded UNAMIR's mandate to enable it to contribute to the security and protection of refugees and civilians at risk, through means including the establishment and maintenance of secure humanitarian areas, and the provision of security for relief operations to the degree possible.

It authorized the expansion of UNAMIR to 5,500 troops, and requested the Secretary-General to redeploy immediately, as a first phase, the UNAMIR military observers from Nairobi to Rwanda, and to bring up to full strength the infantry battalion currently in the country. The Secretary-General was asked to report as soon as possible on the next phase of UNAMIR's deployment, including updates on cooperation of the parties, progress towards a cease-fire, availability of resources and the proposed duration of the mandate for further review.

At the same time, the Council imposed an arms embargo on the country. It also asked the Secretary-General to present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict and invited the Secretary-General and his Special Representative, in coordination with OAU and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement.

SPECIAL MISSION VISITS RWANDA

Shortly after the Security Council adopted its resolution, Mr. Iqbal Riza, Assistant Secretary-General for Peacekeeping Operations, and Maj.-Gen. J. Maurice Baril, Military Adviser to the Secretary-General, left on a special mission to Rwanda. The purposes of the mission were to move the warring parties towards a cease-fire, to ascertain from them their views on and intentions towards the implementation of resolution 918 (1994) and to review with UNAMIR the modalities of the operations outlined in the Secretary-General's report of 13 May 1994.

On 31 May 1994, the Secretary-General reported to the Security Council that the special mission had been in the area from 22 to 27 May 1994, and had met with officials from both sides, and with UNAMIR officials. Although both sides had given assurances that they would observe an informal truce during the visit, firing and shelling continued, especially in and around Kigali, causing the special mission to lose much time.

The special mission was informed that those responsible for the killings in Rwanda included members of the Rwandese government forces, but in the main were drawn from the Presidential Guard and the *interhamwe*, the youth militia recruited and formed by the late President's party. Allegations by representatives of the interim Government and the Rwandese Armed Forces

and the Gendarmerie that the RPF bore equal culpability for the killings were not corroborated by other sources.

The mission also found that the RPF zone was virtually empty. In the zones controlled by the Rwandese government force, however, increasing numbers of displaced persons were fleeing the RPF advance and were seeking refuge in camps in subhuman conditions. This exodus was in part due to alarming radio broadcasts from Rwandese government forces zones, especially Radio Mille Collines, which also broadcast incitements to eliminate RPF supporters.

UNAMIR'S MANDATE EXTENDED

On 31 May 1994, the Secretary-General reported to the Security Council that the special mission had been able to obtain the agreement of the two sides to initiate talks for the establishment of a cease-fire as called for by resolution 918 (1994). RPF's insistence that it would not deal, directly or indirectly, with the de facto authorities in Gitarama was accepted by the other side. A working paper, to serve as a basis for the talks, was prepared by the special mission and the Force Commander, and the first meeting was held between military staff officers on 30 May at UNAMIR headquarters with the Deputy Force Commander acting as intermediary.

During discussions with the mission, both sides had recognized that only a political settlement could bring stability to Rwanda and there could be no military solution. However, while both sides declared that the principles of the Arusha Peace Agreement remained valid as a framework, each stated that the new circumstances would necessitate renegotiation of certain parts of the agreement.

Since national reconciliation was unlikely to be swift, the Secretary-General recommended that UNAMIR's expanded mandate be authorized by the Council for at least six months, with the anticipation that at least another six-month renewal would be required. He also declared his intention to establish a special trust fund to support effective rehabilitation programmes in Rwanda.

As for deployment of the expanded UNAMIR, the special mission had secured assurances from both parties of cooperation with the mandate established by resolution 918 (1994), although these would later need formalization as operations were initiated. The implementation of phase one of the deployment remained urgent and had to be commenced even before a cease-fire was effected, the Secretary-General reported. He also stated that the Government of Ghana was prepared to dispatch troops immediately, but these were waiting for necessary equipment, especially armoured personnel carriers, to be made available by other Member States. It was estimated that phase one would not be operational for another four to six weeks, depending on how soon the resources required were made available by Member States and delivered on the ground. Considering the projected delays in deploying the troops and equipment for phase one, the Secretary-General recommended that phase two should be initiated immediately, in close synchronization with phase one, while urgent preparations for phase three should continue.

The repercussions of the convulsions in Rwanda were enormous, the Secretary-General said, with displaced persons in the range of 1.5 million and an additional 400,000 refugees in bordering countries. These figures would mean that over a quarter of Rwanda's population had been afflicted. Neither United Nations agencies nor non-governmental organizations had been able to begin an effective humanitarian assistance programme, beyond sporadic deliveries where possible, in zones controlled by Rwandese government forces, where authority beyond Gitarama, Gisenyi and Butare appeared to be uncertain. More systematic humanitarian assistance programmes had begun in the RPF zone, but worked under strict RPF controls. The special mission had emphasized to the de facto authorities in Gitarama and to the Rwandese government forces military commanders the urgency of assuring conditions that would allow humanitarian assistance programmes to begin in areas controlled by them.

In his report, the Secretary-General noted that while the information on human rights violations obtained by

the special mission carried *prima facie* credibility in the light of circumstantial evidence, only a proper investigation could establish the facts and definite culpability. The efficacy of such an exercise would diminish as time weakened evidence and dispersed living witnesses.

The international community's delayed reaction to the genocide in Rwanda "demonstrated graphically its extreme inadequacy to respond with prompt and decisive action to humanitarian crises entwined with armed conflict," the Secretary-General added. He also noted that while attempting to redeem the failings in the Rwandese crisis, the entire system required review to strengthen its reactive capacity.

There was little doubt that the killing in Rwanda constituted genocide, since there had been large-scale killings of communities and families belonging to a particular ethnic group, but the continuing hostilities impeded a full investigation into the massacres. The Secretary-General noted that the High Commissioner for Human Rights, Mr. José Ayala Lasso, had visited Rwanda in early May, and the Commission on Human Rights had subsequently designated Mr. René Dégni-Ségui as Special Rapporteur for Rwanda.

In its resolution 925 on 8 June 1994, the Security Council endorsed the Secretary-General's recommendations for the deployment of an expanded UNAMIR, invited the international community to contribute generously to the trust fund for Rwanda, and demanded that all parties to the conflict cease hostilities.

Subsequently, in its resolution 935 of 1 July 1994, the Security Council, expressing its grave concern at reports of violations of international law, including genocide, requested that the Secretary-General establish as a matter of urgency an impartial Commission of Experts that would provide him with its conclusions about the evidence of these violations.

The Commission could obtain information through its own investigations or through the efforts of others, including the Special Rapporteur. The Council also called on States, relevant United Nations bodies and organizations to inform the commission within the next 30 days of substantiated grave violations.

TERMINATION OF UNOMUR'S MANDATE

Initially, UNOMUR had restricted its monitoring activities in Uganda along the area of the border with Rwanda controlled by RPF. After RPF gained control of the entire Uganda-Rwanda border, the Mission extended its observation and monitoring activities to that area. This necessitated the readjustment of tasks and the reassignment of United Nations military observers.

UNOMUR carried out its tasks essentially through patrolling, monitoring and surveillance of the whole stretch of the operational area, involving both mobile and fixed observations as well as on-site investigations of suspected cross-border traffic. The arrival in the mission area of three helicopters in early April 1993 strengthened UNOMUR's overall operational capacity.

On 16 June 1994, the Secretary-General submitted to the Council his second progress report on UNOMUR, in which he reiterated that UNOMUR had continued to be a factor of stability in the area and had been particularly critical in recent months as UNAMIR had sought to defuse tensions resulting from the resumption of hostilities.

Nevertheless, he noted that there appeared to be little rationale for monitoring one of Rwanda's borders and not the others. As UNOMUR's activities allowed UNAMIR to address, at least to some degree, the issue of outside interference in the Rwandese civil war, he believed that UNOMUR should continue its monitoring activities until an effective cease-fire was established. The Secretary-General therefore recommended that UNOMUR's mandate be renewed for a period of three months. During that period, the number of military observers would be reduced by phases, adjusting to operational requirements. UNOMUR would be closed down by 21 September 1994.

On 20 June 1994, the Security Council adopted resolution 928 (1994) endorsing the Secretary-General's recommendations and requesting him to re-

port to the Council on the termination of UNOMUR before the completion of its mandate.

The Secretary-General reported to the Security Council on 19 September, informing it that UNOMUR would be officially closed on 21 September 1994. He stated that while the tragic turn of events in Rwanda prevented UNOMUR from fully implementing its mandate, the Observer Mission had played a useful role as a confidence-building mechanism in the months following the conclusion of the Arusha Peace Agreement and during UNAMIR's initial efforts to defuse tensions between the Rwandese parties and to facilitate the implementation of that agreement.

The Secretary-General expressed his appreciation to the Government of Uganda for the cooperation and assistance it had extended to the Mission. He commended both the military and the civilian personnel of UNOMUR for the dedication and professionalism with which they had carried out their tasks.

OPERATION TURQUOISE

Meanwhile, on 19 June 1994, the Secretary-General, in a letter to the President of the Security Council, reiterated the need for an urgent and coordinated response by the international community to the genocide which had engulfed Rwanda. He enumerated the offers which the United Nations had received after over 50 potential contributing countries had been approached for contributions to UNAMIR, in anticipation of the expansion of the UNAMIR mandate, as authorized by the Council in its resolution 918 (1994), and explained that the United Nations expected, in the best of circumstances, to complete the deployment of the first phase of UNAMIR in the first week of July 1994.

The Secretary-General indicated that the Security Council might wish to consider the offer of the Government of France to undertake a French-commanded multinational operation, subject to Security Council authorization, under Chapter VII of the Charter, to assure the security and protection of displaced persons and civilians at risk in Rwanda. Such an operation would last until UNAMIR was brought up to the necessary strength to take over from the multinational force. This would imply that the multinational force should remain deployed for a minimum period of three months. The activities of the multinational force and those of UNAMIR would be closely coordinated by the respective force commanders.

In his letter, the Secretary-General stressed that the efforts of the international community to restore stability in Rwanda were directed at the resumption of the Arusha peace process. In that connection, his new Special Representative for Rwanda, Mr. Shaharyar Khan, former Permanent Secretary of the Ministry of Foreign Affairs of Pakistan, planned to take up his assignment shortly.

On 22 June 1994, the Security Council, by its resolution 929 (1994), welcomed the Secretary-General's letter and agreed that a multinational operation might be set up for humanitarian purposes in Rwanda until UNAMIR was brought up to the necessary strength, and decided that it would be limited to two months following the resolution, unless the Secretary-General determined before then that an expanded UNAMIR was able to carry out its mandate. Acting under Chapter VII of the Charter, the Council authorized Member States to conduct the operation using all necessary means to achieve their humanitarian objectives; costs of implementing the operation would be borne by the Member States concerned.

The French initiative, named Operation Turquoise, was launched on 23 June 1994. On 2 July, France announced that Operation Turquoise would establish a "humanitarian protected zone" in the Cyangugu-Kibuye-Gikongoro triangle in south-western Rwanda, covering about one fifth of Rwandese territory. While expressing its strong opposition to the French move, RPF did not seek confrontation with French forces which, on their side, avoided provocation.

From the start, close cooperation at all levels was established between UNAMIR and Operation Turquoise with frequent contact between both force commanders. Resolution 929 (1994) had authorized the deployment of the French force until 21 August 1994, and, on 11

July, the Prime Minister of France informed the Security Council and the Secretary-General of the French Government's decision to commence its withdrawal by 31 July.

In the first week of July an UNREO/Department of Humanitarian Affairs officer was dispatched to the French military base of operations at Goma in order to establish communications and ensure liaison between the command of Operation Turquoise, United Nations agencies and some 30 NGOs engaged in humanitarian assistance in the region.

UNHCR, with field staff in Goma, had been stockpiling relief supplies for as many as an additional 500,000 needy people in the entire region. UNHCR and other agencies increased their staff in the field and mobilized emergency stocks, both from facilities in the region and from warehouses in Europe. Needs exceeded resources available to the United Nations agencies, however. UNHCR resources were already strained by an outflow of more than 600,000 Rwandese refugees since late April, and another 500,000 Burundi refugees dependent on the agency for assistance. WFP, which had also begun redirecting food stocks, transport and personnel to deal with the massive flow to Zaire, was already providing 40,000 tons of food per month to Rwanda, Burundi, Tanzania, Zaire and Uganda to cover a caseload estimated at 2.5 million people. On 14 July, the United Nations High Commissioner for Refugees urgently appealed for trucks, water tankers, aircraft and funds to meet the crisis. UNICEF, which had pre-positioned some stocks of essential relief items in anticipation of new population movements, released $1 million from its emergency programme fund to secure additional supplies.

GOVERNMENT OF NATIONAL UNITY

On 1 July 1994, the Secretary-General called for a halt to military operations in Rwanda, warning that the mass exodus of civilian populations could otherwise destabilize the region. Another call for a cease-fire was issued on 14 July 1994 by the President of the Security Council, who, in his statement, expressed the Council's alarm at the continuation of fighting in Rwanda.

The exodus of the population from the fighting could lead very quickly to a further humanitarian disaster, the President said, and could endanger the stability of the region. The Council demanded an immediate and unconditional cease-fire, urged the resumption of the political process in the framework of the Arusha Peace Agreement, and also urged Member States, United Nations agencies and non-governmental organizations to mobilize all available resources in order to provide humanitarian assistance.

On 18 July, RPF unilaterally declared a cease-fire, effectively ending the civil war which had broken out immediately after the deaths of the presidents of Rwanda and Burundi on 6 April. On 19 July, a broad-based Government of national unity was formed.

APPEAL FOR HUMANITARIAN SUPPORT

Meanwhile, on 22 July 1994, the Secretary-General launched a $434.8 million consolidated inter-agency appeal for the Rwandese crisis. Noting that UNREO had been constantly engaged in coordinating humanitarian activities, he said the deterioration of the situation was now beyond the resources and capacity of the United Nations humanitarian agencies and non-governmental organizations. The immediate priority was to take care of the refugees who had left the country and provide humanitarian assistance for those who were still in Rwanda, he said.

While contingency planning by United Nations agencies, UNAMIR and NGOs was an ongoing process, as the consolidated inter-agency appeal was prepared in June a particularly intensive exercise was undertaken. Possible scenarios requiring a humanitarian response were considered, including the potential "nightmare scenario" of a flow of a million or more refugees into Zaire. Contingency measures such as identifying and positioning needed equipment and supplies were undertaken. It was recognized, however, that such a massive influx into Zaire would present

tremendous logistics and security problems in a location with few viable sites for refugee camps, a weak infrastructure and considerable ethnic tensions of its own.

The Secretary-General also noted that clandestine radio broadcasts which were fanning the hatred and fear had aggravated an already dramatic situation. In addition, he said, retreating soldiers had urged and forced whole populations to leave their homes and follow them into exile, while in some cases, massacres had even been perpetrated deliberately in order to create situations of panic, chaos and fear.

He also announced that he was immediately sending the Under-Secretary-General for Humanitarian Affairs to Rwanda and the surrounding region to assess the situation and satisfy himself that coordination arrangements were in place.

The Under-Secretary-General, together with senior representatives of all principal United Nations humanitarian organizations and other international organizations, visited Rwanda from 24 to 28 July. On 2 August, he chaired the donors' pledging conference at Geneva, which resulted in contributions amounting to some $137 million against the $434.8 million July Appeal.

As the emergency evolved, the consolidated inter-agency appeal was revised to reflect increasing needs. By 30 November 1994, the Department of Humanitarian Affairs reported that total requirements for United Nations agencies and the International Organization for Migration to provide assistance had risen to $585 million, against which contributions totalling $483.5 million had been received.

COMMISSION ESTABLISHED

On 25 July, the Secretary-General sent to the President of the Security Council a report by the United Nations High Commissioner for Human Rights on the investigation of serious violations of international humanitarian law in Rwanda, in response to the Council's request for such information in resolution 918. The report included information on the visit of the Special Rapporteur, which took place from 9 to 20 June 1994.

On 26 July 1994, the Secretary-General reported to the Council that he had established a Commission of Experts pursuant to the Council's request in resolution 935 (1994). The Commission would provide the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in Rwanda, including the evidence of possible acts of genocide. The Secretary-General had taken note of the similarity of the Commission's mandate to that of the Special Rapporteur, and he would take administrative steps to ensure continuing collaboration between the two. The Commission would be located at the United Nations office in Geneva, where it could benefit from the resources of the office of the United Nations High Commissioner for Human Rights.

The first stage of the Commission's work would be to review available information and carry out its own investigations in Rwanda. In the second stage, it would draw up its conclusions on the evidence of specific violations of international humanitarian law, and, in particular, of acts of genocide, on the basis of which identification of persons responsible for those violations could be made. In the light of those conclusions, the Commission would examine the question of the jurisdiction, international or national, before which such persons should be brought to trial.

The Secretary-General on 29 July 1994 announced that he had appointed three members to the Commission. He designated Mr. Atsu-Koffi Amega, a former President of the Supreme Court and former Foreign Minister of Togo, as Chairman of the Commission; other members were Mrs. Habi Dieng, Attorney-General of Guinea, and Mr. Salifou Fomba, Professor of International Law from Mali and a Member of the United Nations International Law Commission.

SECRETARY-GENERAL SEEKS SUPPORT

The Secretary-General on 1 August 1994 wrote to the Security Council that even though two and a half months had elapsed since the adoption of resolution 918 (1994), UNAMIR was as far from attaining the author-

ized troop strength as it was at the time of the adoption of the resolution, even though the Council had urged Governments to respond urgently to his request for resources for UNAMIR in resolutions 925 (1994) and 929 (1994).

While several Governments had responded positively, their offers were conditional and entailed complicated efforts to match troops from one country with equipment from another, the Secretary-General said. The result was that as of 25 July, fewer than 500 were on the ground apart from a number of military observers. While it was understandable that the appalling events in Rwanda constituted a strong disincentive against involvement, it had to be recognized that the hesitations and consequent delays had contributed to the catastrophe.

The need for reinforcements for UNAMIR remained urgent. The Secretary-General added that he was convinced that resources to help Rwanda did exist, and what was required was the political will in the countries around the world coalescing into a collective political will at the United Nations.

On 3 August 1994, the Secretary-General reported to the Security Council that RPF had established military control over most of the country, and recalled that about 1.5 million Rwandese had sought refuge in Zaire over a two-week period in July. The swift RPF advance had had the effect of causing large numbers of civilians to take flight from the areas of combat, but this displacement might well have been containable had not panic been caused by deliberately inflammatory broadcasts from radio stations controlled by elements of the former Government.

The protracted violence in Rwanda had created an almost unprecedented humanitarian crisis. According to the estimates at that time, of a total population of approximately 7 million, as many as 500,000 had been killed, 3 million displaced internally and more than 2 million had fled to neighbouring countries. The international community was confronted with four basic humanitarian challenges: to respond to the immediate life-saving needs of refugees; to facilitate the early return of those who had fled their homes; to restore basic infrastructure in Rwanda; and to ensure a smooth transition in the humanitarian protected zone established by French forces.

Among those who had fled Rwanda, an outbreak of cholera had already claimed as many as 20,000 lives, and remained a continuing threat, while the logistics of arranging the daily supply and distribution of 30 million litres of drinking water and 1,000 tons of food were daunting. It was essential to promote and facilitate the early return of Rwandese to their homes, given the conditions in the refugee camps and the need within the next two weeks to harvest the crops there.

Meanwhile, short and medium-term rehabilitation was essential for the absorption of the returnee population as well as the resettlement of the internally displaced, including at the least restoration of electricity, the water supply and telecommunications. It was also important to restore the capacity of the Government to carry out its responsibilities.

In addition, as many as 2 million internally displaced persons were estimated to be in the humanitarian protected zone in south-west Rwanda. To prevent an outflow of this group into Zaire, it was necessary to ensure the capacity of UNAMIR to take over responsibility in the area and to increase the humanitarian presence and activities there.

During his visit to Rwanda from 24 to 28 July, the Under-Secretary-General for Humanitarian Affairs had met with senior officials of the new Government in Rwanda to discuss how humanitarian aid could be delivered to all parts of the country and the urgent steps required to re-establish a climate conducive to the return of refugees and displaced persons. The new Government had indicated its commitment to encourage people to return to Rwanda, to ensure their protection and to permit full access to all those in need throughout the country. UNREO, headquartered in Kigali and with offices in Goma, Kabale and Bujumbura, continued to work with the United Nations agencies and the growing number of humanitarian NGOs to identify needs in Rwanda by sector and region.

UNAMIR's main tasks now were to ensure stability and security in the north-western and south-western regions of Rwanda; to stabilize and monitor the situation in all regions of Rwanda to encourage the return of the displaced population; to provide security and support for humanitarian assistance operations inside Rwanda; and to promote, through mediation and good offices, national reconciliation in Rwanda. UNAMIR had already deployed a company along the border near Goma, Zaire, as well as a number of observers in that region and in the zone controlled by Operation Turquoise. In the expectation that UNAMIR would eventually receive the 5,500 troops authorized by the Security Council, the Force Commander had planned deployment in five sectors. The Force headquarters would remain at Kigali, with the minimum units required for protection, along with specialized units for communications and logistics, as well as the field hospital. United Nations military observers and United Nations civilian police monitors would be deployed in all sectors according to operations requirements.

The principal areas of concern were in the north-west to resettle returning refugees, and in the south-west to avert possible outbreaks of violence. In the north-west, substantial numbers of the former Rwandese government forces and militia, as well as extremist elements suspected of involvement in the massacres of the Hutu opposition and RPF supporters, were mingled with the refugees in Zaire, and were reportedly trying to prevent their return. In the south-west a more volatile situation prevailed where armed elements of the Rwandese government forces had sought refuge in the French-protected zone; this situation was particularly pressing in view of the anxiety of the French Government to complete its withdrawal by 21 August. In discussions with UNAMIR, the new Rwandese Government had indicated that it would not insist on taking control of this area immediately, provided that UNAMIR would ensure its stability.

The Secretary-General said that by its failure to intervene sooner in Rwanda, the international community had acquiesced in the horrifying loss of human life and the suffering of an entire people. To make amends, the international community at the very least should ensure that those individuals responsible in their personal and official capacities for unleashing and instigating this cataclysm were brought to justice, he said.

To avoid problems of coordination, all foreign forces engaged in support of humanitarian efforts in the area should ideally be part of UNAMIR. If this was not possible, deployment of foreign forces should be authorized by the Security Council even if their mandate was purely humanitarian, and formal liaison arrangements should be established between them and UNAMIR, as had been the case with Operation Turquoise.

The Secretary-General also urged the newly installed Government to commit itself to genuine and full reconciliation. The ultimate political aim must be the installation of a broad-based system of government that would give all elements of society, irrespective of ethnic origin or social level, a sense of security and a stake in the country. The Arusha Agreement still provided principles and a broad framework for establishing such a system, the Secretary-General said.

In a statement by its President issued on 10 August, the Security Council stated that the most immediate task was to respond to the massive humanitarian crisis in Rwanda created by the population movements. It urged the country's former leadership and those who had assumed political responsibility in refugee camps to cooperate with the new Rwandese Government in reconciliation and repatriation efforts and to cease propaganda campaigns inducing refugees to stay in exile. The Council called upon the new Government to ensure that there were no reprisals against those wishing to return to their homes and resume their occupations.

The Council encouraged the new Government to cooperate with the United Nations in ensuring that those guilty of atrocities, in particular the crime of genocide, were brought to justice through an appropriate mechanism which would ensure fair and impartial trials in accordance with international norms of justice. In this connection it welcomed the Government's recent statement supporting the establishment of an international

tribunal and welcomed the report of the Secretary-General of 26 July 1994 on the establishment of the Commission of Experts.

Welcoming the Secretary-General's intention to adapt the practical tasks of UNAMIR to the evolving situation in the country, the Council stated that it was essential that the contingents to be part of UNAMIR be deployed without further delay and the technical assistance they required be provided as soon as possible.

The Council also reaffirmed that the 1993 Arusha Peace Agreement constituted an appropriate frame of reference for promoting reconciliation in Rwanda.

COMMISSION OF EXPERTS INTERIM REPORT

The Commission of Experts began its work on 15 August 1994 and, after a series of meetings in Geneva, conducted a field mission to Rwanda and some neighbouring countries from 29 August to 17 September. On 1 October, the Secretary-General transmitted to the Security Council the Commission's interim report. The main conclusions were the following:

(a) Individuals from both sides of the armed conflict had perpetrated serious breaches of international humanitarian law;

(b) Individuals from both sides of the armed conflict had perpetrated crimes against humanity in Rwanda;

(c) Acts of genocide against the Tutsi group had been perpetrated by Hutu elements in a concerted, planned, systematic and methodical way. These acts of mass extermination against the Tutsi group as such constituted genocide within the meaning of article II of the Convention on the Prevention and Punishment of the Crime of Genocide. The Commission had not uncovered any evidence to indicate that Tutsi elements perpetrated acts committed with the intent to destroy the Hutu ethnic group as such.

The Commission recommended that the Security Council take action to ensure that the individuals responsible for the grave violations of human rights in Rwanda during the armed conflict were brought to justice before an independent and impartial international criminal tribunal. The Commission further recommended that the Council amend the Statute of the International Criminal Tribunal for the former Yugoslavia so that it could consider crimes under international law committed during the armed conflict in Rwanda.

SIGNS OF STABILIZATION IN RWANDA

On 6 October 1994, the Secretary-General submitted to the Security Council his report on the progress of UNAMIR in the discharge of its mandate, the safety of population at risk, the humanitarian situation and progress towards a cease-fire and political reconciliation. In his report, the Secretary-General stated that there were signs that the situation in Rwanda was stabilizing. He cited the broad efforts undertaken by the Rwandese Government towards national reconciliation, and urged the international community to support those efforts.

He also endorsed the recommendation made by the Commission of Experts that trails of individuals suspected of serious breaches of international humanitarian law, crimes against humanity and acts of genocide be carried out by an international criminal tribunal and that the jurisdiction of the International Criminal Tribunal for the former Yugoslavia be expanded to cover crimes in Rwanda.

The Secretary-General urged the Government to maintain an open dialogue with all other political interest groups in Rwanda, including former government officials, except for individuals who were directly implicated in acts of genocide.

Stating that Rwanda needed extensive external technical and financial assistance, the Secretary-General urged donor Governments and international bodies urgently to implement their assistance for Rwanda. He further asked them to communicate with the United Nations about bilateral assistance programmes so there could be a coordinated response to Rwanda's needs.

Political Aspects. The Secretary-General believed that there was steady progress in efforts to normalize the

situation inside Rwanda. The Government had also begun to put civilian administrative structures in place at the central, provincial and local levels.

The Secretary-General noted that in order to create a stable and lasting peace in Rwanda, the Government seemed to recognize the need to include all its citizenry, regardless of ethnicity, within its administrative and security structures. The Government encouraged members of the former Rwandese government forces to join the new national army. Members of the Government made several visits to the refugee camps in Zaire in an attempt to encourage the refugees to return voluntarily to their places of origin.

The Secretary-General also stated that while initial progress had been made in normalizing the situation, the Government was faced with the arduous task of rebuilding a country and establishing safety and security for all while it suffered from a severe lack of basic resources.

Human Rights. According to the Secretary-General's report, the Government urged the Commission of Experts to conclude its work expeditiously and also urged that an international tribunal be created. The Government gave assurances that it would make every effort to prevent summary trials, revenge executions and other acts of violence and it would arrest those accused of such crimes.

The United Nations High Commissioner for Human Rights deployed human rights officers to Rwanda to assist the Special Rapporteur in investigating violations of human rights and humanitarian law; monitoring the ongoing situation; helping redress existing problems and prevent possible human rights violations from occurring; and implementing programmes of technical cooperation in the field of human rights, particularly the administration of justice.

Military Aspects. The Secretary-General reported that the military situation in Rwanda had been relatively calm since the 18 July cease-fire. At that time, the armed forces of the new Government, the Rwandese Patriotic Army (RPA), had established control over the entire country, with the exception of the humanitarian protection zone in the south-west, which was under the control of Operation Turquoise.

UNAMIR began deploying troops in the zone on 10 August 1994 and on 21 August it assumed responsibility from Operation Turquoise. UNAMIR troops established a presence throughout the zone, ensuring stability and security and providing support for humanitarian relief operations. The Government also launched a concerted effort to reassure the population. As a result, a new major exodus of civilians to Zaire was averted. Civil administration in the humanitarian protection zone was being restored as a first priority and RPA troops were gradually being deployed there.

The Secretary-General noted that the main objective of the UNAMIR deployment was to promote security in all sectors of Rwanda and to create a climate conducive to the safe return of refugees and displaced persons, as well as to support humanitarian operations. Relations between UNAMIR and the RPA were cordial and cooperative. However, movement restrictions were sometimes imposed on UNAMIR troops.

Civilian Police. Speaking of the activities of UNAMIR's civilian police component, the Secretary-General noted that initially it had been envisaged that its main task would be to maintain liaison with the local civilian authorities on matters relating to public security. However, as a result of the civil war and the ensuing collapse of the country's administrative structures, no real police force or gendarmerie remained in place when the new Government was established on 19 July. The Government sought the urgent assistance of UNAMIR in establishing a new, integrated, national police force. UNAMIR responded positively to that request and, on 16 August, initiated a training programme with students selected by the Government as volunteers from different social and ethnic groups. The activities of the civilian police component thus evolved from liaison to assisting the Government in the creation of a new police/gendarmerie.

The component has also been charged with monitoring the activities of local police and gendarmerie and those of the civil authorities with regard to human rights

violations, and assisting UNAMIR military observers and troops in dealing with police matters.

Humanitarian Aspects. In his report, the Secretary-General stated that the first priority in Rwanda remained the resolution of the humanitarian crisis. According to the estimates, Rwanda's pre-war population of 7.9 million had fallen to 5 million. Estimates of internally displaced persons ranged from 800,000 to 2 million. There were more than 2 million refugees in Zaire, the United Republic of Tanzania, Burundi and Uganda. At the same time, it was estimated that some 360,000 refugees had returned to Rwanda spontaneously since the cease-fire on 18 July. The victims of the genocidal slaughter could number as many as 1 million.

The Secretary-General noted that the Government was concerned about elements in the refugee camps who continued to incite people to flee from Rwanda, and to threaten those who might return home. The Government was engaged in efforts to find a solution to these problems, with the support of United Nations agencies and programmes on the ground, coordinated by the Secretary-General's Special Representative. In addition, reports and preliminary investigations suggested that returning refugees might have been subjected to reprisals by Government troops. Therefore, determined efforts would have to be made by the Government to create conditions under which the refugees and displaced persons could return in safety and dignity.

As the country strove to return to normalcy, the Secretary-General continued, increasing attention must be given to the transition from emergency relief to rehabilitation. It was vital that the international community provide quick and efficient rehabilitation assistance. In that connection, the Special Representative and the Under-Secretary-General for Humanitarian Affairs distributed among donor countries, agencies and NGOs the Rwanda Emergency Normalization Plan, outlining the initial areas requiring both financial and technical assistance. The Secretary-General believed that without national reconciliation among the various parties to the conflict, it was likely that humanitarian operations would be protracted and difficult.

SECURITY IN CAMPS DETERIORATES

After having considered the Secretary-General's progress report, the Security Council, through a Presidential statement issued on 14 October 1994, expressed concern at the plight of millions of refugees and displaced persons in Rwanda and the countries of the region. It deplored the continuing acts of intimidation and violence designed to prevent refugees from returning home and called on the Governments of the neighbouring countries to do all in their power to ensure the safety of both the refugees and the international personnel providing humanitarian assistance.

The Council affirmed the importance it attached to the avoidance of reprisals against returnees and to the safeguarding of their property rights. It also welcomed the Government's efforts to facilitate the return of refugees and to begin the process of national reconciliation and reconstruction.

The Council took note of the Secretary-General's view that the most effective way to ensure the safety of the refugees would be the separation of the political leaders, former RGF soldiers and militias from the rest of the camp population. It also reaffirmed its view that those responsible for serious breaches of international humanitarian law and acts of genocide must be brought to justice, and stated that it was considering the recommendations of the Commission of Experts on the establishment of an international tribunal and would act expeditiously on the matter.

In the meantime, security conditions in refugee camps outside Rwanda continued to deteriorate. On 21 October, UNHCR expressed grave concern about the worsening situation which was particularly dangerous in the camps around Goma, Zaire. The threatening presence and activities of former Rwandese Army, militia, and civilian leaders in the camps seriously disrupted humanitarian operations. In some camps, the former authorities virtually took control of all food and relief

distribution in order to consolidate their power and to dominate and manipulate the camp population. The lives of relief workers were repeatedly threatened, and refugees who expressed desire to repatriate were terrorized and some even killed. The law and order enforcement agents in the countries of asylum were not adequately equipped to cope with the situation.

The Secretary-General's Special Representative, after visiting some camps, also reported increasing politization and intimidation of refugees.

INTERNATIONAL TRIBUNAL ESTABLISHED

On 8 November 1994, the Security Council, by its resolution 955 (1994), decided to establish an international tribunal to prosecute persons responsible for genocide and other violations of international humanitarian law committed in Rwanda and Rwandese citizens responsible for such acts in neighbouring States between 1 January and 31 December 1994, and to this end to adopt the Statute of the International Criminal Tribunal for Rwanda. It requested the Secretary-General to make practical arrangements for the effective functioning of the International Tribunal, including recommendations to the Council as to possible locations for the seat of the Tribunal.

THREE OPTIONS FOR SECURITY IN CAMPS

On 18 November 1994, the Secretary-General submitted to the Security Council a report in which he described the worsening situation in the refugee camps and outlined three major military options for addressing the problem of security in the camps.

The Secretary-General noted that according to UNHCR estimates there were approximately 1.2 million Rwandese refugees in the camps in Zaire. The camps were overcrowded, chaotic and increasingly insecure. The refugees were completely dependent on United Nations and relief agencies for basic needs assistance.

The former Rwandese political leaders, Rwandese government forces soldiers and militia, the Secretary-General continued, controlled the camps. They were determined to ensure by force, if necessary, that the refugees did not repatriate to Rwanda, and also made it difficult for relief agencies to carry out their work in safety. It was believed that these elements might be preparing for an armed invasion of Rwanda and that they might be stockpiling and selling food distributed by relief agencies in preparation for such an invasion. In addition, security was further undermined by general lawlessness, extortion, banditry and gang warfare between groups fighting for control of the camps. As a result, NGOs responsible for the distribution of relief supplies had begun to withdraw.

It was estimated that there were approximately 230 Rwandese political leaders in Zaire, including former ministers, senior civilian and military officials, members of parliament and other political personalities, many of whom were living in good conditions outside the refugee camps. The number of former Rwandese government forces personnel in Zaire was estimated at about 50,000 persons, including dependants. As to the armed militia, it was difficult to determine their exact number as they neither wore uniforms nor carried any insignia that would distinguish them from the rest of the refugee population. However, some estimates indicated that their number could amount to some 10,000 or more.

The Secretary-General stated further that in August and early September 1994, an estimated 200,000 refugees had returned to Rwanda. This movement, however, had been interrupted by the activity of militia and political leaders opposed to voluntary repatriation. As a result, since September, the number of refugees returning home had fallen drastically. At the same time, some 400,000 refugees of mainly Tutsi origin, many of whom had been in exile in Uganda and Burundi for decades, had returned to Rwanda and, in many cases, settled on land belonging to those who had fled most recently.

The Secretary-General noted that the refugees' fear of reprisals by the new Government for atrocities committed against Tutsis and moderate Hutus seemed to be

another main reason for their hesitancy to return to Rwanda. In expressing their distrust of the Government, refugees indicated a desire for their security to be guaranteed by a neutral body or for their own leaders to participate in the new Government.

In order to improve security in the camps in Zaire, the Secretary-General identified three major military options, namely:

(a) A United Nations peace-keeping operation, set up in accordance with normal procedures, to establish security progressively in the camps, area by area, over a period of time;

(b) A United Nations force, set up under Chapter VII of the Charter, to separate the former political leaders, military personnel and militia from the ordinary refugee population of the camps, thereby ensuring their security;

(c) A multinational force, authorized by the Security Council under Chapter VII of the Charter but not under United Nations command, to carry out those functions.

Other measures which could be associated with any of the above options would be the provision of foreign security experts to train and monitor the local security forces and an appropriate public information campaign.

The Secretary-General underlined that any operation conducted without parallel efforts towards national reconciliation in Rwanda would be futile, and could even lead to an intensification of extremist activities in the camps. National reconciliation would require both a political understanding between the former leadership of the country and the present Government and the establishment of conditions in the camps, and in Rwanda itself, conducive to the return of the refugees.

The Secretary-General believed that, under the circumstances, the United Nations peace-keeping operation might be the most realistic way of progressively improving security in the camps. However, it would be a difficult, complex and, to some extent, unprecedented enterprise. Member States would have to provide the necessary human, financial and logistical resources in a timely manner for it to be effective.

Describing the tasks of such a peace-keeping force, the Secretary-General said that it would provide security for international relief workers, protection for the storage and delivery of humanitarian assistance and safe passage to the Rwandese border for those refugees who wished to return. From the border, UNAMIR troops would then provide assistance in returning the refugees to their home communities. The force would have a mandate separate from that of UNAMIR but would be under the operational control of, and supported logistically by, UNAMIR.

The Secretary-General noted that given the dimensions of the problem, the incremental approach to establishing security would have to be adopted. Depending on the situation in the camps and the rate of repatriation, it was estimated that, given a force strength of 3,000 all ranks, it would take 24 to 30 months to complete the operation. However, with an additional 2,000 troops, it was estimated that the duration of the operation could be reduced by about 10 months.

At the same time, the Secretary-General continued, the new Government of Rwanda must be assisted in creating conditions inside the country under which large-scale repatriation and reintegration of refugees and internally displaced people could take place. The Government had indicated its commitment to creating such conditions and requested assistance from the international community for this purpose. This would require the rehabilitation of the basic economic and social infrastructure, the establishment of a fair and effective judicial system, the maintenance of law and order, and the resolution of the issue of property rights.

The Secretary-General said that his Special Representative had formulated and presented to potential donors a Rwanda emergency normalization plan, outlining areas in which the assistance was urgently required. In addition, the Department of Humanitarian Affairs was preparing a new consolidated inter-agency appeal covering both continuing emergency requirements and short-term rehabilitation needs.

In concluding his report, the Secretary-General stressed that, given the crucial importance of establishing

secure conditions in the Rwandese refugee camps in Zaire, as well as the pressing need for financial and technical assistance to reach the Government of Rwanda, he would concentrate all the efforts of the United Nations system on those immediate priorities. Once progress had been made on those two fronts, he would work with OAU to address the wider problems of the subregion.

On 30 November 1994, the Security Council, in a statement by its President, condemned the actions being taken by former Rwandese leaders and by former Rwandese government forces and militias to prevent the repatriation of refugees. It also condemned the interference by those groups and individuals with the provision of humanitarian relief, actions which had led to the withdrawal of some non-governmental relief agencies from the camps.

The Council expressed alarm that those same groups might be preparing for an armed invasion of Rwanda and deplored the fact that food distributed by relief agencies for those in the camps was apparently being misappropriated to support such an invasion. It condemned those actions and warned those persons, many of whom might have been implicated in the genocide and other serious violations of international humanitarian law, that their actions would only reinforce the determination of the international community to ensure that such persons were brought to justice.

The Council stated that the options described in the Secretary-General's report for tackling the problem of security raised complex issues which required further elucidation. It requested the Secretary-General to consult potential troop contributors to assess their willingness to participate in a possible peace-keeping operation to create secure areas within large camp sites. Further, the Council encouraged the Secretary-General to assess initial measures for immediate assistance to the Zairian security forces in the camps, including the possibility of deploying security experts, from member Governments or through contract arrangements, to train and monitor the local security forces.

The Council recognized that the Government of Rwanda needed immediate and major financial assistance, and called upon the international community to provide the resources required. Given the urgent need to take forward the political process, the Council requested the Secretary-General to consider acceleration of preparations for the proposed joint United Nations/OAU conference to address a range of political and other issues in order to identify long-term solutions to ensure peace, security and development in the subregion.

SECRETARY-GENERAL REVIEWS SITUATION

On 25 November 1994, the Secretary-General submitted to the Security Council his further report on the situation in Rwanda, as well as his recommendations for the continuing role of the United Nations in that country.

Political Aspects. Speaking of the political aspects of the situation, the Secretary-General noted that since his last report dated 6 October 1994, the situation in Rwanda had witnessed both positive and negative developments. The Broad-Based Government of National Unity continued to place emphasis on creating conditions that would allow the Rwandese refugees and the displaced persons within the country to return home. In that regard, it was concentrating its efforts on ensuring public security, restoring the civil administration and reconstructing the country's social and economic infrastructure. However, in the aftermath of the civil war, the Government was facing severe financial and material resources obstacles in achieving those objectives.

While unstable and insecure conditions still prevailed in many parts of the country, the Secretary-General continued, there had been some progress in the private sector and the education field, but the reactivation of the public sector remained constrained by a severe lack of resources, including supplies such as telephones, computers, means of transport, office equipment and fuel. Cash reserves were also inadequate to pay salaries or to meet other essential payments. Moreover, it had not been possible to restore public utilities

or deal with the nearly 1 million mines believed to be planted in the countryside.

The Government continued to advocate publicly the fair treatment of returning refugees and displaced persons, as well as reconciliation between all political groups. A further measure towards national reconciliation had been the incorporation of over 2,000 soldiers of the former RGF into the RPA.

The Secretary-General noted further that while the lack of financial resources had been a major factor in impeding activities towards national reconciliation, there were some reasons to believe that the Government could do more to ensure that all Rwandese were part of the political process. The President of Rwanda assured the Secretary-General's Special Representative that efforts were continuing to make the Government more inclusive by inviting into it some members of the Mouvement républicain national pour le développement (MRND), which was the only major political party not represented in it.

The Secretary-General went on to say that there was a growing problem of land tenure and rival claims to property rights. Almost 400,000 long-standing refugees had returned home since mid-July and were claiming property they once held. Some refugees who had fled more recently were returning home to find their property held by others. Although the Government had emphasized that the wrongful occupation of another person's home or property was unlawful, it was increasingly difficult to implement that policy.

In response to the need for factual and objective information on the situation both in the refugee camps and in Rwanda, as well as on United Nations activities in the country, the Secretary-General said, UNAMIR was in the process of establishing a broadcasting facility to cover the city of Kigali and the western part of the country, with plans for more powerful transmitters capable of covering the entire country, as well as the refugee camps. The report noted, however, that despite repeated efforts, the Government had still not approved UNAMIR's request for formal authorization to broadcast and for a frequency allocation.

Human Rights. The Secretary-General also informed the Security Council that the Special Rapporteur, Mr. René Dégni-Ségui, had visited Rwanda from 15 to 22 October and had also travelled to the United Republic of Tanzania and Zaire. The Commission of Experts had visited Rwanda from 29 October to 10 November. The human rights field operation in Rwanda launched by the United Nations High Commissioner for Human Rights had established seven regional offices and about 60 human rights officers and special investigators, out of a planned total of 147, had arrived in Rwanda. Another 40 human rights observers and teams of forensic experts were expected by the end of December 1994. The Secretary-General stated that he expected to receive the findings of the Special Rapporteur and of the Commission of Experts on their investigations of alleged reprisal killings by RPA forces.

The Secretary-General was also actively pursuing the completion of practical arrangements for the effective functioning of the International Tribunal for Rwanda, and in particular its investigations/prosecutorial unit in Kigali, the appointment of a Deputy Prosecutor unit and support and administrative staff, and the election of judges. The High Commissioner for Human Rights had placed the services of the special investigations unit, established within the framework of the human rights field operation, at the disposal of the Prosecutor of the International Tribunal, with a view to pursuing the investigative work initiated under the mandate of the Special Rapporteur and the Commission of Experts.

Military Aspects. On the military aspects of the situation, the Secretary-General said that UNAMIR had reached its full authorized strength of 5,500 all ranks. The troops and military observers were deployed in six sectors: Sector 1 (north-east), Sector 2 (south-east), Sector 3 (south), Sector 4 (south-west), Sector 5 (north-west) and Sector 6 (Kigali City).

The Secretary-General noted that UNAMIR continued to assist with the transport of refugees and internally displaced persons returning voluntarily to their homes, while maintaining protection for populations at risk in various areas and at displaced persons camps in

Rwanda. UNAMIR was currently working with the humanitarian agencies and the Government of Rwanda to develop and implement a strategy to close the displaced persons camps in Rwanda gradually by ensuring the voluntary return of the occupants to their homes. UNAMIR troops and observers had also intensified their monitoring, observation and patrol duties.

Civilian Police. Continuing, the Secretary-General said that since no real police force or gendarmerie remained in place when the Government had been established on 19 July, police functions were entrusted to an embryonic gendarmerie consisting mainly of RPA soldiers. At the request of the Government, the UNAMIR civilian police component had initiated training of candidates nominated by the Government to serve in the two services that make up Rwanda's police structure, namely, the *Gendarmerie nationale* and the *Police communale*. The component was also involved in efforts to restore and reform the penal system within the framework of the implementation of the Rwanda Emergency Normalization Plan. In addition, the component was helping to restore and reform the penal system.

Humanitarian Aspects. The humanitarian situation within Rwanda, the Secretary-General went on, presented the international community with a pressing and unusually complex crisis. In the conventional sense, the emergency within Rwanda had abated, though at least 1.5 to 2 million displaced persons remained dependent upon assistance from aid agencies. However, the country at large faced a clear emergency as government institutions found themselves unable to sustain the nation's basic infrastructure and provide for the welfare of its people.

Surrounding Rwanda were over 2 million Rwandese refugees in camps along the borders in Zaire, Burundi and the United Republic of Tanzania. Although the voluntary return of those refugees was critical to the normalization of the situation in Rwanda, violent harassment and misinformation in the refugee camps, especially in Zaire, prevented many of the bona fide refugees from returning home.

The Secretary-General pointed out that the situation of the internally displaced persons in Rwanda paralleled that of the refugees on the country's borders. The urgent need to bring internally displaced persons back to their home communities was thwarted by intimidation within the camps and fear of reprisals. In addition, a perception in the areas around the camps that those within the camps had better lives than those outside was generating increased tension between local and camp populations. At the same time, the camp sites occupied much-needed farmland and were increasingly an ecological hazard. In that regard, the Secretary-General said that his Special Representative, in close collaboration with the Government, and through the United Nations Emergency Relief Coordinator, was in the process of finalizing an integrated humanitarian response to address the issue of the internally displaced persons.

The Secretary-General indicated that international and other concerned organizations continued to provide much-needed assistance to the displaced and other vulnerable sectors of society. In addition, many humanitarian organizations had made efforts to strengthen the capacity of the Government. Efforts were being made to restore some semblance of institutional structure through the provision of vehicles and basic office equipment, and quick disbursement of funds to re-establish the generation of electricity and similar activities.

The Secretary-General stated that the international community would have to provide the support needed to ensure that the army did not become a disruptive social force. At the same time, if the human rights of the internally displaced and returnees from outside Rwanda were to be protected on a lasting basis, rapid assistance must be provided to restore the country's police force and judicial system. In parallel, government authorities concerned with the welfare of the Rwandese people must be restored.

In concluding his 25 November report, the Secretary-General stated that the situation in Rwanda remained critical and the country continued to face daunting problems. While he was encouraged by the Government's efforts to stabilize the situation, new

threats and challenges continued to emerge, in particular, the creeping militarization of the refugee camps. In that regard, the Secretary-General referred to his report of 18 November, in which he set out ideas on action that could be taken to address the problem of insecurity in the camps and ensure that the humanitarian efforts to protect the refugees and bring about their eventual safe and voluntary repatriation would not be fatally undermined.

The Secretary-General called on the Government of Rwanda to ensure that its proclaimed resolve to promote conditions conducive to safe and voluntary repatriation and national reconciliation was translated into concrete action and programmes, notwithstanding its lack of adequate financial resources. He also called on the international community to respond to the Government's need for assistance for the rehabilitation and reconstruction of Rwanda. He believed that if the unsettled situation was not addressed promptly by both the Government and the international community, the residual problems and emerging threats might not only endanger what had been achieved, but could push Rwanda backward and revive the spectre of renewed conflict.

Speaking of UNAMIR, the Secretary-General noted that it was firmly in place, as a focal point of the international community's effort in Rwanda, to provide the coordinated leadership necessary to move forward the overall process of peace and reconciliation. He recommended that the mandate of the Mission be extended for a further six months. During that period, UNAMIR would continue its mandated functions and strengthen its good offices role in order to facilitate more expeditious movement towards peace and national reconciliation. It would also continue to support efforts towards a regional approach to the problems created by the crisis in Rwanda.

UNAMIR'S MANDATE EXTENDED

On 30 November, the Security Council extended the mandate of UNAMIR to 9 June 1995. It also expanded the mandate to enable the Mission to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and for human rights officers, including full time protection of the Prosecutor's office. UNAMIR would also assist in the establishment and training of a new, integrated, national police force.

The Council strongly urged the Rwandese Government to continue cooperating with UNAMIR in the implementation of its mandate and in particular in ensuring unimpeded access to all areas in the country by UNAMIR forces, personnel of the International Tribunal and human rights officers.

It called on the international community to provide resources needed to meet the immediate needs of the Government, directly or through the Trust Fund for Rwanda. The Council requested the Secretary-General to report to it on UNAMIR's discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees. It also asked him to recommend possible steps that the United Nations could take to promote effective mine clearance.

COMMISSION OF EXPERTS FINAL REPORT

On 9 December 1994, the Secretary-General transmitted to the Security Council the final report of the Commission of Experts. In the report, the Commission provided an overview of the facts based on the information made available to it from various sources. It then analysed the applicable law and some selected legal issues of particular significance in the context of the Rwandan conflict.

The conclusions it reached on the basis of the evidence gathered and analysed were as follows:

(a) There exists overwhelming evidence to prove that acts of genocide against the Tutsi ethnic group were committed by Hutu elements in a concerted, planned, systematic and methodical way, in violation of article II of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948;

(b) Crimes against humanity and serious violations of international humanitarian law were committed by

individuals of both sides of the conflict, but there is no evidence to suggest that acts committed by Tutsi elements were perpetrated with an intent to destroy the Hutu ethnic group as such, within the meaning of the Genocide Convention; the Commission recommended, however, that investigation of violations of international humanitarian law and of human rights law attributed to the Rwandese Patriotic Front be continued by the Prosecutor of the recently established International Tribunal for Rwanda.

In his letter transmitting the report, the Secretary-General noted that the recommendations of the Commission, namely, that an international tribunal should be established and that the investigation into allegations of violations of international humanitarian law should continue, had already been acted upon. Therefore, he considered that the Commission had discharged the mandate entrusted to it by the Security Council in its resolution 935 (1994).

SITUATION REMAINS DANGEROUS

In pursuance of the Security Council's presidential statement of 30 November, the Secretary-General dispatched a joint technical team from the Department of Peace-keeping Operations and UNHCR, to Rwanda, the United Republic of Tanzania and Zaire from 11 to 19 December 1994 to review the situation prevailing in the refugee camps.

On 25 January 1995, in his second report on security in the Rwandese refugee camps, the Secretary-General informed the Security Council that while there had been some positive developments in respect of the creation of conditions conducive to repatriation, the continuing presence of nearly 2 million Rwandese refugees in Burundi, the United Republic of Tanzania and Zaire was a matter of serious concern. The general security situation in the camps, particularly in Zaire, remained dangerous for both refugees and relief workers. The situation was also potentially destabilizing for the host countries and for the subregion as a whole.

The Secretary-General believed that the only effective solution to the security problem was the safe and voluntary repatriation of the refugees. In this regard, the Government of Rwanda had signed tripartite agreements with UNHCR and the Governments of Burundi and Zaire respectively on the voluntary repatriation of refugees. The Governments of Rwanda and the United Republic of Tanzania were continuing their dialogue on issues affecting the refugees in the latter country and their repatriation to Rwanda.

Despite those arrangements, only 200,000 refugees out of those who had left the country after 6 April 1994 had returned to Rwanda. One factor impeding repatriation was intimidation by the former government leaders, military and militia of refugees who wished to return to Rwanda. Another factor was the refugees' concern that they might face reprisals or might not be able to regain their property once they did return.

Peace-keeping Operation. As requested by the Security Council, the Secretary-General continued to explore all possible means of addressing the problems of security in the Rwandese refugee camps, including a possible peace-keeping operation. The Secretary-General reported that he had consulted with about 60 potential troop-contributing countries to ascertain their readiness to make available the troops necessary to undertake such an operation. As of 23 January, however, only one country had formally offered a unit. Under those circumstances, the Secretary-General stated, the option of deploying a peace-keeping force to address the security issues in the refugee camps in Zaire was not feasible.

International Police/Military Observer Group. The Secretary-General recalled that in its presidential statement of 30 November the Security Council had requested him to assess the possibility of interim measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts, from member Governments or through contractual arrangements, to train and monitor the local security forces.

Towards this end, the joint Department of Peace-Keeping Operations/UNHCR technical mission had explored the possibility of an approach based on the deployment of Zairian security forces, which would assume responsibility for improving security in the camps, with the support of a group of United Nations civilian police and military observers. A group of approximately 150 to 200 United Nations civilian police officers would be required to train and monitor the local forces. In addition, about 30 to 50 military observers would be deployed to liaise with the local forces at the command level on issues related to the overall implementation of the operation. The Government of Zaire indicated that it would be prepared to deploy a national security force of about 1,500 to 2,500 troops to the camps.

The Secretary-General reported that, in order to pursue that option, nearly 50 Member States had been contacted to ascertain their willingness to provide police personnel. As of 23 January, only four countries had expressed an interest in providing civilian police personnel and only one of those countries was French-speaking. As regards military observers, it was felt that they could be provided by UNAMIR on a temporary basis, subject to the concurrence of the contributing countries concerned. Upon consultation, however, only one of those countries responded that it would, in principle, be prepared to allow its military observers to operate in Zaire. Therefore, the Secretary-General concluded, that this second, more modest, approach also faced difficulties and could not be pursued at that time.

As to the camps in the United Republic of Tanzania, 310 Tanzanian police officers were providing security. The Government indicated that it would be prepared to increase this force to 500, but that it would require logistic and operational support from external sources in order to do so. Some support in that regard was being provided by the Government of the Netherlands through UNHCR.

Contractual Arrangements. The Secretary-General noted that another possibility, which had been explored by the United Nations Secretariat, was the provision of training and monitoring support to the local security forces through contractual arrangements with a private organization. Under such arrangements, a local force would be trained by a team of 50 international instructors, 10 of whom would remain behind after the initial training was completed to provide further on-the-job training assistance. An additional 40 international experts would be required to monitor the operation and for liaison and coordination functions.

The possibility of undertaking such an operation, including the provision of logistic and other support to the local security forces, was discussed with UNHCR. However, initial financial estimates showed that an operation of this nature would be costly and UNHCR did not feel that it would be able to mobilize the necessary resources.

Security Measures Through UNHCR. The Secretary-General informed the Security Council that since all the options described above did not appear feasible at that stage, he had held further consultations with the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata. As a result of those consultations, it had been decided that UNHCR would conclude appropriate arrangements with the Government of Zaire, under UNHCR's refugee protection and humanitarian assistance mandate, to enhance security in the camps. UNHCR would also continue to explore means of augmenting support to the Tanzanian Government to enable it to increase the level of security in the camps. As regards the camps in Burundi, UNHCR indicated that the security situation in those camps was being adequately addressed at that time. UNAMIR, for its part, would continue to coordinate closely with UNHCR in facilitating the safe and voluntary repatriation of the refugees to Rwanda.

In conclusion, the Secretary-General observed that the scope and complexity of the problems in the Rwandese refugee camps, especially those in Zaire, was an unprecedented challenge. It was therefore not surprising that the search for an appropriate solution to those problems had been a difficult process. The options aimed at enhancing security in the camps through a

peace-keeping operation, under one form or another, did not appear viable, at least at that time. He urged the international community to support the efforts of UNHCR, in cooperation with the Governments of Zaire and the United Republic of Tanzania, to put in place satisfactory security arrangements in the camps and to provide generously the resources required for that purpose.

However, the Secretary-General continued, any effort to provide security in the camps would be futile unless parallel steps were also taken inside Rwanda to ensure that the refugees could return to their home communities without fear of retribution or persecution and to promote genuine national reconciliation among all segments of Rwandese society.

In that regard, the Secretary-General drew the attention of the Security Council to the summit meeting of the leaders in the subregion, held in Nairobi on 7 January 1995. The leaders had emphasized the close relationship between improving both security in the refugee camps and conditions inside Rwanda in order to create an environment conducive to the voluntary repatriation of the refugees. They affirmed their support for the establishment and operationalization of the International Tribunal for Rwanda, the separation of suspected perpetrators of genocide from innocent refugees and the separation of intimidators from the refugee camps, as well as the establishment of safe corridors from refugee camps to the Rwandese border and of safe corridors and transit points inside Rwanda. They commended the Government of Rwanda for the steps it had taken to establish a broad-based government administration and urged the Government to deepen its efforts, in the spirit of the Arusha peace accord. They urged the international community to increase its economic support for the rehabilitation and reconstruction of Rwanda.

SECURITY ARRANGEMENTS IN ZAIRE

On 1 February 1995, the Secretary-General informed the Security Council that, on 27 January 1995, the Zairian Ministers of Defence and Justice and the UNHCR Special Envoy for Rwanda and Burundi had signed an aide-memoire outlining specific measures aimed at improving the security situation in the camps. Under that agreement, the Government of Zaire was to deploy 1,500 experienced military and police security personnel to the camps in the Goma region, north of Lake Kivu, and in the Bukavu and Uvira regions, south of Lake Kivu. Those personnel would assist in the maintenance of law and order in the camps; take measures to prevent violence against and intimidation of refugees; provide protection for relief workers and for the storage and delivery of humanitarian assistance; and escort to the border of Rwanda those refugees who voluntarily chose to return to their homes. In accordance with its mandate, UNAMIR would provide assistance in escorting the repatriated refugees to their home communities.

UNHCR, for its part, would establish a liaison support group composed of experienced security advisers, who would be deployed at its field offices in Goma and Bukavu. Those personnel would ensure liaison between UNHCR and the commanders of the Zairian security units. They would also provide technical advice to the Zairian units on measures to enhance security in the camps. To the extent that voluntary contributions were made available, UNHCR would provide to the local security units some financial and logistic support, including transportation and communication equipment. The provision of this assistance would be managed through the UNHCR Liaison Support Group.

It was estimated that the first phase of this programme would last five months, from February to June 1995, and that it would cost approximately $13 million, for which UNHCR would seek contributions from Member States. Thereafter, resource requirements would be reviewed every three months and additional contributions required would be sought from Member States.

On 10 February 1995, the Security Council, in a statement by its President, attached great importance to the earliest possible action to address the security problems in the camps. In this context it welcomed the agreement between UNHCR and the Government of Zaire to deploy 1,500 Zairian security forces and a

UNHCR liaison group. It also welcomed the agreement reached between the Governments of Zaire and Rwanda on the return of refugees and property and urged its full implementation. The Council urged Member States to provide UNHCR with the resources needed in the context of the agreement concluded between it and the Government of Zaire. It endorsed the efforts of UNHCR, in cooperation with the United Republic of Tanzania, to put in place security arrangements in the Tanzanian camps, and encouraged UNHCR also to address the situation in Burundi.

The Security Council noted that efforts to provide security in the camps should be accompanied by further efforts in Rwanda to ensure that refugees could return to their homes without fear of retribution or persecution. It encouraged the Government of Rwanda to continue to provide a framework for the action to be taken to repatriate the refugees, to promote national reconciliation, and to reinvigorate the political process. It called upon the international community to continue to support the Government of Rwanda in its task.

The Council underlined that the presence of the refugee camps should only be temporary and that the return of the refugees to their homes in Rwanda remained the ultimate goal. It requested the Secretary-General to continue his exploration of all options and to make as soon as possible any further recommendations necessary for ensuring security in the camps.

CHALLENGES REMAIN

Under resolution 965 (1994), the Security Council requested the Secretary-General to report by 9 February and 9 April 1995 on the discharge of UNAMIR's mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees. The Secretary-General presented his first report on 6 February 1995.

Political Aspects. The Secretary-General observed that while progress had continued in normalizing the situation in Rwanda, many challenges had remained. The Government of Rwanda had continued to take steps towards national reconciliation and reconstruction. However, the Government still lacked resources to run an effective public administration. In addition, while civil administration was largely in place throughout the country, important appointments, especially in such key sectors as the judiciary, remained to be made.

The Government had taken some steps to ensure that its message of national unity and reconciliation reached the Rwandese people. On 20 December 1994, the Government was formally renamed the "Government of National Unity", a modification which, by dropping references to "transitional" and "broad-based", placed primary emphasis on national reconciliation. The National Assembly, officially installed in Kigali on 25 November 1994, opened its first working session on 12 December. On that occasion, the Prime Minister presented an eight-point programme reiterating the goals of rehabilitation and reconstruction that the Government first set out when it was installed on 19 July 1994.

The Government had also taken steps to reunify the army as a further measure towards reconciliation. In this connection, some 2,242 members of the former Rwandese Government Forces underwent a five-month retraining programme. Rwandese Government Forces officers were given new appointments, including that of Deputy Chief of Staff and Chief of the Gendarmerie.

At the same time, the Secretary-General noted, the situation in Rwanda had continued to be a matter of serious concern. Reports persisted of summary executions, secret detention and torture. There were also reports of banditry and other violent acts against civilians, both in Kigali and in the countryside. A professional police force and functioning judiciary were essential to the establishment of internal security. Notwithstanding, Rwanda's court system did not yet function, its prisons were overcrowded and thousands of suspects were awaiting trial. The United Nations Human Rights Field Operation in Rwanda was active in helping the Government to rehabilitate the justice system, but substantially more technical and financial assistance was required.

The Secretary-General informed the Council that, on 23 December 1994, the Government had established a commission for the repatriation and resettlement of refugees. That commission, which had been provided for in the Arusha Peace Agreement, was composed of two representatives each of the Government, UNHCR and the refugee community, as well as a representative of OAU. Its mandate was to finalize and implement a programme for the repatriation and reintegration of refugees.

However, fears of reprisals continued to exist among refugees and internally displaced persons. The Secretary-General remained convinced that the dissemination of factual information was a vital tool in creating conditions for refugees and internally displaced persons to decide freely to return to their homes. In resolution 965 (1994), the Security Council had welcomed UNAMIR's efforts to increase its radio-broadcasting capabilities so as to reach the refugee camps in neighbouring countries. On 14 January 1995, the Government and UNAMIR signed an agreement on the establishment of the United Nations radio in Kigali. The necessary technical details to permit the commencement of radio operations were being finalized.

Human Rights Aspects. The Secretary-General stated that promoting respect for human rights had continued to be the principal objective of the United Nations Human Rights Field Operation in Rwanda. The number of human rights officers deployed had grown steadily and, as of 26 January 1995, stood at 88 including regular staff, experts and United Nations Volunteers (UNVs). An offer by the European Union of 36 fully equipped officers was accepted by the United Nations High Commissioner for Human Rights. Among the functions of the Human Rights Field Operation were the monitoring of human rights conditions in all parts of the country, including life-threatening situations and other urgent cases of possible human rights violations; liaison with the Government of Rwanda in regard to human rights education; monitoring of the conditions of detainees; participation in confidence-building measures aimed at the re-establishment of civic society in Rwanda; and coordination with other international agencies in the field.

As a result of a needs assessment mission undertaken in December 1994, the High Commissioner for Human Rights had developed a programme of technical assistance in the administration of justice, which included review of criminal cases of detainees, improvement in prison administration, establishment of civil dispute resolution mechanisms and recruitment and training of civilian police.

The Prosecutor of the International Tribunal for Rwanda, Judge Richard Goldstone, paid his first visit to the country on 19 and 20 December. He held detailed discussions with senior government officials as well as with the Secretary-General's Special Representative, and also met with representatives of United Nations agencies and NGOs operating in Rwanda. During the visit, the Government and the Prosecutor expressed general satisfaction with their discussions and exchange of views, which focused on the future work of the International Tribunal.

According to the Secretary-General's report, the first stage of the operation of the Tribunal had begun with the establishment of an investigative/prosecutorial unit in Kigali. The main functions of the unit were to establish the Prosecutor's Office, gather documents and information from Governments and intergovernmental and non-governmental organizations, initiate the process of recruitment, and develop the investigative strategy and field operating procedures. The Secretary-General appointed Mr. Honoré Rakotomanana as Deputy Prosecutor to assist with prosecutions before the International Tribunal. The Deputy Prosecutor arrived in Kigali on 26 January 1995 for an initial visit in order to initiate the operations of the investigative unit. On 24 January, the Secretary-General announced the creation of a Trust Fund to support the activities of the International Tribunal for Rwanda.

Military Aspects. The Secretary-General reported that UNAMIR's force structure and deployment had been adjusted as a result of security developments in the displaced person camps and an increase in armed

attacks by groups infiltrating across the border with Zaire, as well as the additional tasks relating to the security in Rwanda of human rights officers and personnel of the International Tribunal.

The Secretary-General stated further that in pursuance of its mandate to protect displaced persons and civilians at risk and to provide security for humanitarian relief operations, UNAMIR had undertaken an operation, from 13 to 15 December, to enhance security in the Kibenho and Ndago displaced person camps where disruptive elements had been active. The aim of the operation was to help to create conditions that would give the displaced persons the freedom to return voluntarily to their homes. The operation included screening of disruptive elements present in the camps and was undertaken in the presence of human rights monitors and representatives of the ICRC. A total of 44 people were detained and handed over to the Rwandese authorities. UNAMIR discovered and confiscated caches of grenades, machetes and spears. The RPA provided liaison officers to assist in the screening process and established a security perimeter a few kilometres from the camps, but it did not participate in the actual operation.

The success of this operation helped to establish suitable conditions and a favourable climate for the launching, on 29 December 1994, of *Opération Retour*, which was an integrated inter-agency initiative aimed at facilitating the safe resettlement of internally displaced persons. Activities included the provision of security to ensure that displaced persons could travel safely to their homes and were protected once they reached them, as well as the provision of medical, food, water, sanitation and other basic assistance in the home communes.

The Secretary-General also informed the Security Council of an incident which had taken place on 7 January when elements of the RPA attacked a displaced persons camp at Busanze near Gikongoro, killing 18 people, including women and children, and wounding 36 others. The Government condemned the attack against the Busanze camp and detained some of the soldiers reportedly involved. It assured the United Nations that the incident was an isolated act of misconduct and did not represent official policy, which continued to favour the voluntary rather than the forced closure of displaced persons camps.

Civilian Police. Continuing his report, the Secretary-General said that UNAMIR's civilian police contingent had begun to help train the national gendarmerie, the larger of the two services in Rwanda's police structure. At the request of the Government, UNAMIR had also developed a training programme for the communal police, the second police service. In addition to its training tasks, the civilian police component had maintained liaison with civilian authorities, in particular the judiciary, and had monitored the increasingly difficult situation in Rwanda's overcrowded prisons. It had also provided monitoring and investigatory assistance to the human rights officers and the military and civilian components of UNAMIR.

UNAMIR's civilian police component had, with 89 observers on the ground, nearly reached its authorized strength of 90 observers, but only 25 of them were French-speaking. That put a considerable strain on UNAMIR's ability to carry out its civilian police functions effectively. In order to meet its expanding functions under resolution 965 (1994), the civilian police component required additional observers, especially French-speakers, and material resources, including teaching aids, transportation and communication equipment. Accordingly, the Secretary-General proposed that the component's authorized strength be raised from 90 to 120 police observers.

Humanitarian Aspects. The Secretary-General noted that, although the emergency that had gripped Rwanda only a few months before had abated, there were still some 2 million Rwandese refugees sheltering in camps in the neighbouring countries. Approximately 350,000 others had been internally displaced, most of them located in camps in south-western Rwanda. In addition, the Government continued to lack the resources to sustain basic governance, assure essential services and provide for the welfare of its people.

The Secretary-General believed that there was an urgent need to resolve the problem of internally displaced persons as it had affected efforts aimed at encouraging the voluntary return of refugees from neighbouring countries and promoting stability inside Rwanda itself. Moreover, recent events had shown that the existence of camps for internally displaced persons could generate violence and insecurity in the camp sites themselves as well as in nearby communities.

With the help of the United Nations, some 25,000 people had been resettled through *Opération Retour* during January 1995 and the number of persons returning to their home communes had continued to increase. That operation had used the combined assets of the United Nations system, such as transportation, food, security and other confidence-building incentives, including the presence of human rights officers, to provide assistance not only in the camps but at the commune level as well.

Organizations of the United Nations system and NGOs had continued to provide urgently needed assistance, in particular, food, health and children's services, to displaced persons and other vulnerable population groups. They had also assisted in rehabilitation and reconstruction by providing immediate logistic assistance in the areas of transportation and office equipment and by supporting long-term programmes for agricultural development, capacity-building and education. The needs of children in especially difficult circumstances, such as "child soldiers" between the ages of 10 and 16 years, had also continued to receive particular attention.

The Secretary-General also informed the Council that on 18 and 19 January, the United Nations Development Programme had sponsored, in Geneva, a round-table conference to consider Rwanda's longer-term rehabilitation requirements. On 20 January, the United Nations had officially launched a consolidated inter-agency appeal for a total of $710 million focusing on emergency and other short-term recovery needs for Rwanda and the subregion.

With regard to a mine-clearance programme, the Secretary-General noted that a comprehensive plan had been developed and proposed to the Government. It provided for the establishment of a mine coordination office within the United Nations Rwanda Emergency Office in Kigali, the conduct of a mine survey, marking and fencing operations, and emergency mine clearance of key humanitarian facilities such as schools and hospitals. Informal consultations had been held with some donor countries with a view to encouraging support for those activities.

In concluding his 6 February progress report, the Secretary-General stated that although much remained to be done, a strong foundation had been established upon which further progress could be achieved. However, if the present momentum in favour of Rwanda's recovery was to endure and grow, the support and participation of all Rwandese people was vital. He therefore reiterated his call on the Government to ensure that, in a spirit of mutual accommodation and dialogue, all Rwandese who had not participated in the genocide be given the opportunity to play a role in the national reconciliation process.

The Secretary-General pointed to the need for close cooperation and coordination between the Government in Kigali and the international community. He noted that his Special Humanitarian Envoy had visited the region in continuation of his mission to coordinate the response of the United Nations system to the various aspects of the crisis in Rwanda. In addition, OAU and UNHCR had been planning to convene, in Bujumbura in February 1995, a subregional conference to consider assistance to refugees, returnees and displaced persons in the Great Lakes region. Furthermore, consultations had been undertaken with OAU and Member States on the convening of a broader conference to discuss a range of political and other issues, aimed at identifying long-term solutions to ensure peace, security and sustainable development in the subregion.

On 10 February, the Security Council, in a letter addressed to the Secretary-General, took note of the progress report and agreed with the recommendation that the strength of UNAMIR's civilian police component be increased from 90 to 120 police observers. The

Council also believed that an increase in the number of human rights officers in the Human Rights Field Operation in Rwanda was also desirable.

SEAT OF TRIBUNAL DECIDED

By resolution 955 (1994) of 8 November 1994, the Security Council had requested the Secretary-General to make practical arrangements for the effective functioning of the International Tribunal for Rwanda, including recommendations to the Council as to possible locations for the seat of the Tribunal.

The Secretary-General's search for the seat of the Tribunal was guided by the Security Council's indication of a preference for an "African seat", which would facilitate easier "access to witnesses". Based on this preference, the Secretary-General decided that a technical mission to identify suitable premises for the seat of the International Tribunal would visit Rwanda and two of its neighbouring countries, Kenya and the United Republic of Tanzania.

The technical mission visited the region in the second half of December 1994. It concluded that, with most buildings having been damaged by war, there was a severe shortage of premises in Kigali that could properly accommodate the needs of the Tribunal and provide adequate security. Regarding Nairobi, the team found that even though the city had the necessary infrastructure and a large United Nations presence, the Kenyan Government had decided that it would not be in a position to provide a seat for the Tribunal. In Tanzania, the team found that while Arusha lacked adequate infrastructure, the Government had indicated its willingness to support the International Tribunal and offered to use the premises of the Arusha International Conference Centre for its seat. The mission concluded that, with the necessary construction work, the Centre could constitute suitable premises for the seat of the Tribunal.

On 13 February 1995, the Secretary-General submitted a report in which he recommended to the Security Council that, subject to appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania acceptable to the Council, Arusha be determined as the seat of the International Tribunal for Rwanda. He drew the attention of the Council to the position of the Government of Rwanda that the seat of the Tribunal should be located in Kigali for the moral and educational value that its presence there would have for the local population. In a spirit of compromise and cooperation, however, the Rwandese Government had indicated that it would raise no objection to the seat of the Tribunal being established in a location easily accessible to Rwanda in a neighbouring State.

Among the criteria for choosing the site had been the need for justice and fairness, which would require that trial proceedings be held in neutral territory. Moreover, in the atmosphere prevailing in Rwanda, there were serious security risks in bringing into the country to stand trial before the International Tribunal leaders of the previous regime alleged to have committed acts of genocide.

Similarly, choosing Kigali as the seat of the Tribunal, even if premises were available, would have entailed extensive and costly repairs. Arusha, on the other hand, had readily available premises, which might be offered either rent-free, or at a very low rate. Furthermore, the proximity of Arusha to victims, witnesses and potential accused persons situated in Rwanda and neighbouring States, and its accessibility by air to and from all of these locations, would considerably reduce the travel costs that would be otherwise entailed in the choice of a more distant location.

The Secretary-General also provided analysis of the legal basis for the establishment of the International Tribunal for Rwanda and its legal status; a review of the main provisions of the statute of the Rwanda Tribunal where they differed from the provisions of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia; and an outline of the two-stage approach to the establishment of the Rwanda Tribunal and the

practical arrangements made for its functioning. On 22 February, the Security Council, by its resolution 977 (1995), decided that, subject to the conclusion of appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania, the International Tribunal for Rwanda should have its seat at Arusha.

By resolution 978 (1995) adopted on 27 February, the Council urged States to arrest and detain, in accordance with their national law and relevant standards of international law, pending prosecution by the International Tribunal for Rwanda or by the appropriate national authorities, persons found within their territory against whom there was sufficient evidence that they were responsible for acts within the jurisdiction of the International Tribunal for Rwanda. It also urged States to cooperate with representatives of the ICRC and investigators for the International Tribunal for Rwanda, in order to secure unimpeded access to those persons.

The Council condemned all attacks against persons in the refugee camps near the borders of Rwanda, demanded that such attacks immediately cease, and called upon States to take appropriate steps to prevent such attacks. It also urged States, on whose territory serious acts of violence in the refugee camps had taken place, to arrest and detain, in accordance with their national law and relevant standards of international law, and submit to the appropriate authorities for the purpose of prosecution persons against whom there was sufficient evidence that they had incited or participated in such acts.

SECURITY COUNCIL MISSION TO RWANDA

In an effort to move forward the process of national reconciliation, the Security Council, during informal consultations held on 6 February 1995, had decided to send a mission to Burundi and Rwanda. The mission was composed of China, the Czech Republic, Germany, Honduras, Indonesia, Nigeria and the United States of America. In Rwanda, the mission's terms of reference were: to hold consultations with the Rwandese Government regarding its efforts towards national reconciliation and reconstruction and the problem of the return of refugees; to hold consultations with the Special Representative of the Secretary-General, United Nations agencies, UNAMIR personnel, members of the diplomatic corps and NGOs in Kigali; and to submit a report to the Security Council.

The mission visited Rwanda on 12 and 13 February. In its report submitted to the Security Council on 28 February, the mission put forward a number of recommendations aimed at stabilizing the situation in Rwanda.

The mission believed that the Government of Rwanda should intensify its efforts to create favourable conditions and an auspicious climate inside the country to encourage and facilitate repatriation. The Government's action in the following areas could be particularly helpful: (a) reinvigorating the political process, including the creation of a framework for dialogue between the Government, refugee representatives and the United Nations; (b) launching a civic education programme within the country, including in camps for internally displaced persons, and directed also at refugee camps through radio, to promote harmony among all Rwandese; (c) moving expeditiously to put in place an effective mechanism to protect property rights; (d) establishing a transparent and effective judiciary; (e) setting up and deploying nationwide a trained police force; (f) establishing an effective civil administration throughout the country; and (g) continuing to allow unimpeded access throughout the country to UNAMIR, humanitarian personnel and human rights monitors.

The mission reaffirmed the call by the Security Council contained in its presidential statement of 10 February 1995 for the full implementation of the agreement reached between the Governments of Zaire and Rwanda on the return of refugees and property.

The mission believed that the generous response of the international community to the round-table meeting in Geneva and the consolidated inter-agency appeal would make a major contribution towards the rehabilitation and reconstruction of Rwanda.

The mission recommended the setting up as soon as possible in Kigali of a United Nations inter-agency mine-clearance programme and expressed the hope that the international community would contribute generously to the programme.

The mission was of the view that national reconciliation was a continuous process. It could be facilitated by efforts to promote repatriation and rehabilitation. It could also be aided by concrete movement in the area of justice. The mission therefore recommended that the International Tribunal become operational as soon as possible in close cooperation with the Government of Rwanda. In the meantime, and in view of the fact that both the Prosecutor and Deputy Prosecutor had been appointed and were supported by several staff members, the mission recommended that the Prosecutor's office also commence its work in Rwanda. In this connection, it hoped that a list of persons sought for questioning in connection with the violations of international humanitarian law concerning recent events in Rwanda would soon be established and made public.

The mission considered that national reconciliation was principally a task for the Rwandese themselves. The Government should continue to play a leading role, including finding effective ways of broadening the political process to cover all sectors of Rwandese society. The mission welcomed the reaffirmation by the Rwandese Government of its commitment to the Arusha Peace Agreement.

The mission welcomed the commencement, as approved by the Government of Rwanda, of Radio UNAMIR and shared the view that it would make an important contribution towards repatriation and reconciliation efforts.

The mission noted the Security Council's agreement with the Secretary-General's recommendation to increase the strength of UNAMIR's civilian police component from 90 to 120 police observers. It stressed the importance of having a qualified team of civilian police observers and their deployment at the earliest possible time in order to enable UNAMIR to fulfil its mandated task to assist in the training of a new, integrated national police force for Rwanda.

COMPOSITION OF UNAMIR

Originally, the authorized peak military strength of UNAMIR was 2,548 military personnel, including 2,217 formed troops and 331 military observers. As of 31 March 1994, UNAMIR had a strength of 2,539 military personnel from the following countries: Austria, Bangladesh, Belgium, Canada, Congo, Egypt, Fiji, Ghana, Malawi, Mali, Netherlands, Nigeria, Poland, Romania, Russian Federation, Senegal, Togo, Tunisia, Uruguay and Zimbabwe. At that time, the Mission also comprised 60 civilian police monitors from Austria, Bangladesh, Belgium, Guyana, Mali and Togo, while it was authorized to have 110 international and 61 locally recruited civilian staff.

Following the outbreak of violence in April 1994, the Security Council adjusted UNAMIR's mandate and decided to reduce the Mission to 270 military personnel. After the situation in Rwanda further deteriorated, the Council authorized an expansion of UNAMIR's mandate and authorized an increase of the UNAMIR force level up to 5,500 troops. The larger mission was to include five infantry battalions numbering some 4,000 all ranks, a force support battalion of approximately 721 personnel, a military observer group of 320 officers, 219 headquarters personnel, a helicopter squadron of some 110 all ranks and 16 helicopters, 50 military police personnel and a force of 90 civilian police. In February 1995, the Security Council decided that the strength of UNAMIR's civilian police component be increased from 90 to 120 police observers.

UNAMIR is headed by the Special Representative of the Secretary-General for Rwanda, Mr. Shaharyar M. Khan (Pakistan). Mr. Khan succeeded Mr. Jacques-Roger Booh-Booh (Cameroon), who had served as the Secretary-General's Special Representative and Head of Mission from October 1993 to June 1994. Two military officers have served as UNAMIR Force Commander: Major-General Romeo A. Dallaire (Canada),

from October 1993 to August 1994; and, currently, Major-General Guy Tousignant (Canada) who took up his duties on 19 August 1994.

As of 31 March 1995, UNAMIR's force strength stood at 5,884 all ranks, including 5,529 troops, 297 military observers and 58 civilian police. Troop strength is gradually being reduced to its authorized level of 5,500. Military and civilian police personnel are being provided by the following countries:

COUNTRY	POLICE	TROOPS	OBSERVERS
Argentina			1
Australia		302	
Austria			15
Bangladesh		1	33
Canada		105	20
Chad		2	
Djibouti	7		
Ethiopia		811	
Fiji			1
Germany	9		
Ghana	10	842	35
Guinea			17
Guinea Bissau	5		
India		833	17
Jordan	3		
Malawi		185	14
Mali	10	199	31
Nigeria	10	333	17
Poland			2
Russian Federation			17
Senegal		241	
Tunisia		840	10
United Kingdom		2	
Uruguay			23
Zambia	4	833	20
Zimbabwe			24
TOTAL	58	5,529	297

Figures may vary from month to month due to rotation. "Troops" include any infantry, logistics, engineering, air, medical, mov-con, staff, etc.

FINANCIAL ASPECTS

Costs of UNAMIR are met by the assessed contributions from United Nations Member States. The rough cost to the United Nations of the Mission in 1994 (including costs related to UNOMUR) was approximately $197.5 million. The General Assembly, by its resolution 49/20 of 29 November 1994, authorized the Secretary-General to enter into commitments for a four-month period, at a monthly rate not to exceed $15 million gross, in connection with the maintenance of UNAMIR. As at 28 February 1995, total contributions outstanding to the Special Account of UNAMIR (including UNOMUR) amounted to $47.9 million.

NOTE

1/ From July 1992 to July 1993, the OAU Neutral Military Observer Group (NMOG I), made up of 50 observers from OAU countries, monitored the cease-fire in Rwanda. In early August 1993, it was replaced by an expanded NMOG II force, composed of some 130 personnel.

SUMMARY OF RESOLUTIONS OF THE SECURITY COUNCIL AND STATEMENTS BY ITS PRESIDENT

12 March 1993 — 27 February 1995

SECURITY COUNCIL

Under the United Nations Charter, the Security Council has the primary responsibility for the maintenance of international peace and security. All United Nations Member States have agreed to accept and carry out the Council's decisions in accordance with the Charter. The Council is composed of 15 members. Five are permanent: China, France, the Russian Federation,* the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The 10 non-permanent members are elected by the General Assembly to serve two-year terms. Since 1993, the year in which UNAMIR was established, non-permanent members of the Security Council were as follows:

1993 — Brazil, Cape Verde, Djibouti, Hungary, Japan, Morocco, New Zealand, Pakistan, Spain and Venezuela.

1994 — Argentina, Brazil, Czech Republic, Djibouti, New Zealand, Nigeria, Oman, Pakistan, Rwanda and Spain.

1995 — Argentina, Botswana, the Czech Republic, Germany, Honduras, Indonesia, Italy, Nigeria, Oman and Rwanda.

Each member of the Security Council has one vote. Decisions on substantive matters require nine affirmative votes including the concurring votes of all five permanent members. The permanent members may abstain or not participate at all in the voting, and still satisfy the stipulation of their concurrence in the affirmative vote. A negative vote by any permanent member means the rejection of the draft resolution or proposal.

RESOLUTIONS AND STATEMENTS

Between 12 March 1993 and 27 February 1995, the Council adopted 16 resolutions directly relating to the situation in Rwanda. In addition, the President of the Security Council issued nine statements in this connection. A short summary and the full text of those resolutions and statements are reproduced on the following pages.

* The Union of Soviet Socialist Republics was an original Member of the United Nations from 24 October 1945. In a letter dated 24 December 1991, the President of the Russian Federation informed the Secretary-General that the membership of the Union of Soviet Socialist Republics in the United Nations, including the Security Council and all the organs and organizations of the United Nations system, was being continued by the Russian Federation with the support of the countries of the Commonwealth of Independent States.

RESOLUTION 812 (1993)
12 March 1993

The Council calls upon the Government of Rwanda and the Rwandese Patriotic Front to respect the cease-fire which took effect on 9 March 1993 to allow humanitarian efforts, and urges both sides to resume negotiations with a view to signing a peace agreement at the beginning of April. The Council also invites the Secretary-General to examine in consultation with the Organization of African Unity what contribution the United Nations could make to the peace process in Rwanda, in particular through the possible establishment of an international force, and to examine the request by Rwanda and Uganda for the deployment of observers at the border between the two countries.

RESOLUTION 846 (1993)
22 June 1993

The Council decides to establish the United Nations Observer Mission Uganda-Rwanda (UNOMUR) to monitor the border to verify that no military assistance reaches Rwanda. It also urges the Government of Rwanda and the RPF strictly to respect the rules of international law and to conclude quickly a comprehensive peace agreement.

STATEMENT BY THE PRESIDENT
10 September 1993 (S/26425)

The Council welcomes the peace agreement concluded by the Government of Rwanda and the Rwandese Patriotic Front at Arusha on 4 August 1993, and welcomes the Secretary-General's decision to send a reconnaissance mission to Rwanda. It also urges the Government of Rwanda and the RPF to continue to honour the Arusha agreements and cooperate with the OAU's Neutral Military Observer Group.

RESOLUTION 872 (1993)
5 October 1993

The Council decides to establish the United Nations Assistance Mission for Rwanda (UNAMIR) with a mandate that includes contributing to the security of Kigali, monitoring the security situation in the country and monitoring observance of the cease-fire agreement.

RESOLUTION 891 (1993)
20 December 1993

The Council extends the mandate of UNOMUR for six months, and notes that its integration within UNAMIR is purely administrative, and will in no way affect its mandate.

RESOLUTION 893 (1994)
6 January 1994

The Council strongly urges the parties to cooperate fully in furthering the peace process and stresses that continued support for UNAMIR will depend upon their full and prompt implementation of the Arusha Peace Agreement.

STATEMENT BY THE PRESIDENT
17 February 1994 (S/PRST/1994/8)

The Council expresses concern at delays in the establishment of a broad-based transitional government, and encourages the President of Rwanda to continue his efforts for the speedy installation of other transitional institutions.

RESOLUTION 909 (1994)
5 April 1994

The Council regrets the delay in the implementation of the Arusha Peace Agreement, and recalls that continued support for UNAMIR will depend upon its implementation. It also commends the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian assistance and urges others to do likewise.

STATEMENT BY THE PRESIDENT
7 April 1994 (S/PRST/1994/16)

The Council expresses regret at the tragic incident that resulted in the deaths of the Presidents of Burundi and Rwanda on 6 April 1994; strongly condemns attacks on Government leaders, civilians and peace-keepers; and appeals to all Rwandese to desist from further acts or threats of violence.

RESOLUTION 912 (1994)
21 April 1994

The Council condemns the ongoing violence in Rwanda, strongly condemns attacks against United Nations personnel and demands an immediate cessation of hostilities. It also authorizes a reduction in the size of UNAMIR, and adjusts its mandate to include acting as an intermediary between the parties in an attempt to secure their agreement to a cease-fire; to help to the extent feasible in the resumption of humanitarian relief operations; and to monitor developments in Rwanda, including the security of civilians who sought refuge with UNAMIR. It affirms its commitment to preserving the unity and territorial integrity of Rwanda.

STATEMENT BY THE PRESIDENT
30 April 1994 (S/PRST/1994/21)

The Council, appalled at continuing reports of the slaughter of innocent civilians in Rwanda, demands that the interim Government of Rwanda and the RPF take effective measures to prevent any attacks on civilians in areas under their control, and recalls that the killing of members of an ethnic group with the intention of destroying such a group in whole or in part constitutes a crime punishable under international law. The Council also appeals to all States to refrain from providing arms or military assistance to the parties and states its willingness in principle to consider promptly the application of an arms embargo to Rwanda. It requests the Secretary-General to explore urgently ways of extending humanitarian relief assistance to refugees and displaced persons and to make proposals for investigation of the reports of serious violations of international humanitarian law.

RESOLUTION 918 (1994)
17 May 1994

Strongly condemning the ongoing violence in Rwanda, the Council expands UNAMIR's mandate to include contribution to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance where feasible of secure humanitarian areas, and to provide security and support for humanitarian relief operations, and it authorizes an expansion of the UNAMIR force level to 5,500 troops. The Council also places an arms embargo on Rwanda, demands that all parties to the conflict bring an end to the violence, and requests the Secretary-General to present a report as soon as possible on the investigation of serious violations of international humanitarian law.

RESOLUTION 925 (1994)
8 June 1994

The Council endorses the Secretary-General's proposals for the deployment of the expanded UNAMIR and emphasizes the necessity that all appropriate steps be taken to ensure the security and safety of the operation and its personnel. It also welcomes the assurances of both parties to cooperate with UNAMIR in carrying out its mandate, demands that both parties adhere to those assurances and that all parties cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred, and invites the international community to contribute generously to a special trust fund for Rwanda.

RESOLUTION 928 (1994)
20 June 1994

The Council extends UNOMUR's mandate for a final three months.

RESOLUTION 929
22 June 1994

The Council agrees that a multinational operation may be set up for humanitarian purposes in Rwanda until UNAMIR is brought up to the necessary strength, and, acting under Chapter VII of the United Nations Charter, authorizes the Member States cooperating with the Secretary-General to conduct the operation using all necessary means for humanitarian objectives including contributing to the security of displaced persons and providing security for humanitarian relief operations.

RESOLUTION 935 (1994)
1 July 1994

The Council calls on the Secretary-General to establish an impartial Commission of Experts to examine and analyse information with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law, including possible acts of genocide, and calls upon States, relevant United Nations bodies and relevant organizations to make information in their possession available within thirty days.

STATEMENT BY THE PRESIDENT
14 July 1994 (S/PRST/1994/34)

The Council expresses its alarm at the continuation of fighting in Rwanda, which is causing a massive exodus of the population, demands an immediate and unconditional cease-fire and urges Member States, United Nations agencies and non-governmental organizations to mobilize all available resources to provide humanitarian assistance.

STATEMENT BY THE PRESIDENT
10 August 1994 (S/PRST/1994/42)

The Security Council believes that the rapid return of the refugees and displaced persons to their homes is essential for the normalization of the situation in Rwanda. It underlines that the full deployment of UNAMIR will be important to establish a more secure environment in order to accelerate the process of return of refugees and displaced persons and to prevent further population movements.

STATEMENT BY THE PRESIDENT
14 October 1994 (S/PRST/1994/59)

The Security Council remains extremely concerned at the plight of the millions of refugees and displaced persons in Rwanda and the countries of the region. It also reaffirms its view that those responsible for serious breaches of international humanitarian law and acts of genocide in Rwanda must be brought to justice.

RESOLUTION 955 (1994)
8 November 1994

The Security Council decides to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 and to this end to adopt the Statute of the International Criminal Tribunal for Rwanda.

STATEMENT BY THE PRESIDENT
30 November 1994 (S/PRST/1994/75)

The Security Council notes the statement in the Secretary-General's report of 18 November 1994 that the first step towards promoting the repatriation of refugees must be a determined effort by the international community to reduce intimidation of prospective returnees and to improve security in the Rwandese refugee camps, especially those in Zaire. It considers that the options described in the report raise complex issues which require further elucidation, and requests the Secretary-General to consult potential troop contributors to assess their willingness to participate in a possible peace-keeping operation to create secure areas within large camp sites.

RESOLUTION 965 (1994)
30 November 1994

The Security Council decides to extend UNAMIR until 9 June 1995 and to expand its mandate to include the following additional responsibilities within the limits of the resources available to it: (a) contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, including full-time protection for the Prosecutor's Office, as well as security details for missions outside Kigali; and (b) assist in the establishment and training of a new, integrated, national police force.

STATEMENT BY THE PRESIDENT
10 February 1995 (S/PRST/1995/7)

The Security Council attaches great importance to the earliest possible action to address the security problems in the refugee camps and, in this context, welcomes the agreement between UNHCR and the Government of Zaire of 27 January 1995 to deploy 1,500 Zairian security forces and a UNHCR liaison group. It underlines that the presence of the refugee camps should only be temporary and that the return of the refugees to their homes in Rwanda remains the ultimate goal.

RESOLUTION 977 (1995)
22 February 1995

The Security Council decides that, subject to the conclusion of appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania, the International Tribunal for Rwanda shall have its seat at Arusha.

RESOLUTION 978 (1995)
27 February 1995

The Security Council urges States to arrest and detain, in accordance with their national law and relevant standards of international law, pending prosecution by the International Tribunal for Rwanda or by the appropriate national authorities, persons found within their territory against whom there is sufficient evidence that they were responsible for acts within the jurisdiction of the International Tribunal for Rwanda.

FULL TEXT OF RESOLUTIONS OF THE SECURITY COUNCIL AND STATEMENTS BY ITS PRESIDENT

12 March 1993 — 27 February 1995

RESOLUTION 812 (1993)

12 March 1993

Adopted by unanimous vote.
Prepared in the course of the Council's prior consultations.

The Security Council,

Taking note of the request contained in the letter of the Chargé d'affaires a.i. of Rwanda dated 4 March 1993 (S/25363),

Also taking note of the letters of the Permanent Representative of Rwanda (S/25355) and of the Permanent Representative of Uganda (S/25356) dated 22 February 1993 in which the Governments of both these countries called for the deployment of United Nations observers along their common border,

Gravely concerned by the fighting in Rwanda and its consequences regarding international peace and security,

Alarmed by the humanitarian consequences of the latest resumption of the fighting in Rwanda, in particular the increasing number of refugees and displaced persons, and by the threats to the civilian populations,

Stressing the need for a negotiated political solution, in the framework of the agreements signed by the parties in Arusha, in order to put an end to the conflict in Rwanda,

Paying tribute to the efforts of the Organization of African Unity (OAU), in order to promote such a political solution,

Taking note of the statements by the Government of Rwanda and the Rwandese Patriotic Front (RPF) (S/25363, annexes 2 and 3) by which the Rwandese armed forces would remain in their current positions, the army of the RPF would pull back to the positions it occupied before 7 February 1993 and the buffer zone between the forces would be considered as a neutral demilitarized zone used to monitor the implementation of the cease-fire by an international force,

Welcoming the joint communiqué issued in Dar-es-Salaam on 7 March 1993 by the Government of Rwanda and the RPF, and concerning in particular the modalities of the cease-fire which should be effective on 9 March 1993 and on the situation of displaced persons (S/25385),

Welcoming the decision of the Secretary-General to send a goodwill mission to the region and ***having heard*** a first oral report on the mission,

Determined that the United Nations, in consultation with the OAU, and in support of its ongoing efforts, should consider how a United Nations contribution might assist the process towards a political settlement in Rwanda, in particular by preventing the resumption of fighting and by monitoring the cease-fire,

1. Calls upon the Government of Rwanda and the RPF to respect the cease-fire which took effect on 9 March 1993, to allow the delivery of humanitarian supplies and the return of displaced persons, to fulfil the obligations they have accepted in the agreements they have signed and to implement the commitments they have undertaken in their above-mentioned statements and joint communiqué;

2. Invites the Secretary-General to examine in consultation with the OAU the contribution that the United Nations, in support of the OAU's efforts, could bring to strengthen the peace process in Rwanda, in particular through the possible establishment of an international force under the aegis of the OAU and the United Nations, entrusted *inter alia* with the protection of, and humanitarian assistance to, the civilian population and

the support of the OAU force for the monitoring of the cease-fire, and to report most urgently on the matter;

3. Also invites the Secretary-General to examine the request by Rwanda and Uganda for the deployment of observers at the border between these two countries;

4. Expresses its readiness to examine without delay the recommendations that the Secretary-General could submit in this regard;

5. Invites the Secretary-General to coordinate closely his efforts with those of the OAU;

6. Calls upon the Government of Rwanda and the RPF to cooperate fully with the efforts of the United Nations and the OAU;

7. Urges the Government of Rwanda and the RPF to resume the negotiations on 15 March 1993 as agreed, in order to resolve the pending questions with a view to signing a peace agreement at the beginning of April 1993 at the latest;

8. Urges both parties strictly to respect the rules of international humanitarian law;

9. Urges all States to refrain from any action that could increase the tension in Rwanda and jeopardize respect for the cease-fire;

10. Decides to remain actively seized of the matter.

RESOLUTION 846 (1993)

22 June 1993

Adopted by unanimous vote.
Prepared in the course of the Council's prior consultations.

The Security Council,

Reaffirming its resolution 812 (1993) of 12 March 1993,

Taking note of the interim report of the Secretary-General dated 20 May 1993 (S/25810 and Add.1),

Also taking note of the requests of the Governments of Rwanda and Uganda for the deployment of United Nations observers along their common border as a temporary confidence-building measure (S/25355, S/25356, S/25797),

Emphasizing the need to prevent the resumption of fighting in Rwanda that could have adverse consequences on the situation in Rwanda and on international peace and security,

Stressing the need for a negotiated political solution, in the framework of the agreements to be signed by the parties in Arusha, in order to put an end to the conflict in Rwanda,

Paying tribute to the efforts of the Organization of African Unity (OAU) and the Government of the United Republic of Tanzania to promote such a political solution,

Taking note of the joint request of the Government of Rwanda and the Rwandese Patriotic Front (RPF) concerning the establishment of a neutral international force in Rwanda (S/25951),

Stressing the importance of the ongoing negotiations in Arusha between the Government of Rwanda and the RPF, and ***expressing*** its readiness to consider assistance to the OAU in the implementation of the agreements as soon as they are signed,

1. Welcomes with appreciation the report of the Secretary-General (S/25810 and Add.1);

2. Decides to establish the United Nations Observer Mission Uganda-Rwanda (UNOMUR) that will be deployed on the Ugandan side of the border, for an initial period of six months, as set out in the report of the Secretary-General (S/25810 and Add.1), and subject to review every six months;

3. Decides that UNOMUR shall monitor the Uganda/Rwanda border to verify that no military assistance reaches Rwanda, focus being put primarily in this regard on transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material which could be of military use;

4. Requests the Secretary-General to conclude with the Government of Uganda, before the full deployment of UNOMUR, a status of mission agreement including the safety, cooperation and support the Government of Uganda will provide to UNOMUR;

5. Approves the dispatching of an advance party within fifteen days of the adoption of this resolution or as soon as possible after the conclusion of the status of mission agreement and the full deployment within thirty days of the arrival of the advance party;

6. Urges the Government of Rwanda and the RPF strictly to respect the rules of international humanitarian law;

7. Further urges the Government of Rwanda and the RPF to refrain from any action that could contribute to tension;

8. Welcomes the decision of the Secretary-General to support the peace efforts of the OAU by putting two military experts at its disposal with a view to assisting the Neutral Military Observer Group (NMOG), in particular through logistic expertise to help expedite deployment of the enlarged NMOG to Rwanda;

9. Urges the Government of Rwanda and the RPF to conclude quickly a comprehensive peace agreement;

10. Requests the Secretary-General to report to the Council on the results of the Arusha peace talks;

11. Further requests the Secretary-General to report on the contribution the United Nations could make to assist the OAU in the implementation of the above-mentioned agreement and to begin contingency planning in the event that the Council decides such a contribution is needed;

12. Also requests the Secretary-General to report to the Council on the implementation of the present resolution within sixty days of the deployment of UNOMUR;

13. Decides to remain actively seized of the matter.

STATEMENT BY THE PRESIDENT

10 September 1993 (S/26425)

At the 3273rd meeting of the Security Council, held on 10 September 1993, in connection with the Council's consideration of the item "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the members:

The Security Council welcomes the peace agreement concluded by the Government of Rwanda and the Rwandese Patriotic Front at Arusha on 4 August 1993. The Council is aware of the hopes the Rwandese parties entertain that the international community will lend its assistance in the implementation of the agreement. It has also taken note of the importance they attach to 10 September 1993, the date that is to mark the establishment of transitional institutions.

The Security Council welcomes in this regard the decision taken by the Secretary-General to send a reconnaissance mission to Rwanda. The Council hopes to have the report of the Secretary-General based on the recommendations of the reconnaissance mission in the next few days so that it can consider the contribution the United Nations could make to facilitate the implementation of the Arusha peace agreement.

The Security Council urges the Government of Rwanda and the Rwandese Patriotic Front to continue to honour the Arusha agreements in accordance with their commitments. It further urges them to continue to cooperate with the Neutral Military Observer Group, whose mandate the Secretary-General of OAU has decided to extend on an interim basis.

RESOLUTION 872 (1993)

5 October 1993

Adopted by unanimous vote.
Prepared in the course of the Council's prior consultations.

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,

Reaffirming also its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Having considered the report of the Secretary-General of 24 September 1993 (S/26488 and Add.1),

Welcoming the signing of the Arusha Peace Agreement (including its Protocols) on 4 August 1993 and ***urging*** the parties to continue to comply fully with it,

Noting the conclusion of the Secretary-General that in order to enable the United Nations to carry out its mandate successfully and effectively, the full cooperation of the parties with one another and with the Organization is required,

Stressing the urgency of the deployment of an international neutral force in Rwanda, as underlined both by the Government of the Republic of Rwanda and by the Rwandese Patriotic Front and as reaffirmed by their joint delegation in New York,

Paying tribute to the role played by the Organization of African Unity (OAU) and by the Government of the United Republic of Tanzania in the conclusion of the Arusha Peace Agreement,

Resolved that the United Nations should, at the request of the parties and under peaceful conditions with the full cooperation of all the parties, make its full contribution to the implementation of the Arusha Peace Agreement,

1. Welcomes the report of the Secretary-General (S/26488);

2. Decides to establish a peace-keeping operation under the name "United Nations Assistance Mission for Rwanda" (UNAMIR) for a period of six months subject to the proviso that it will be extended beyond the initial ninety days only upon a review by the Council based on a report from the Secretary-General as to whether or not substantive progress has been made towards the implementation of the Arusha Peace Agreement;

3. Decides that, drawing from the Secretary-General's recommendations, UNAMIR shall have the following mandate:

(a) To contribute to the security of the city of Kigali *inter alia* within a weapons-secure area established by the parties in and around the city;

(b) To monitor observance of the cease-fire agreement, which calls for the establishment of cantonment and assembly zones and the demarcation of the new demilitarized zone and other demilitarization procedures;

(c) To monitor the security situation during the final period of the transitional government's mandate, leading up to the elections;

(d) To assist with mine clearance, primarily through training programmes;

(e) To investigate at the request of the parties or on its own initiative instances of alleged non-compliance with the provisions of the Arusha Peace Agreement relating to the integration of the armed forces, and pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General;

(f) To monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons to verify that it is carried out in a safe and orderly manner;

(g) To assist in the coordination of humanitarian assistance activities in conjunction with relief operations;

(h) To investigate and report on incidents regarding the activities of the gendarmerie and police;

4. Approves the Secretary-General's proposal that the United Nations Observer Mission Uganda-Rwanda (UNOMUR) established by resolution 846 (1993) should be integrated within UNAMIR;

5. Welcomes the efforts and the cooperation of the OAU in helping to implement the Arusha Peace Agreement, in particular the integration of the Neutral Military Observer Group (NMOG II) within UNAMIR;

6. Further approves the Secretary-General's proposal that the deployment and withdrawal of UNAMIR should be carried out in stages and ***notes*** in this connection that UNAMIR's mandate, if extended, is expected to terminate following national elections and the installation of a new government in Rwanda, events which are scheduled to occur by October 1995, but no later than December 1995;

7. Authorizes the Secretary-General, in this context, to deploy the first contingent, at the level specified by the Secretary-General's report, to Kigali for an initial period of six months, in the shortest possible time, which, when fully in place, will permit the establishment of the transitional institutions and implementation of the other relevant provisions of the Arusha Peace Agreement;

8. Invites the Secretary-General, in the context of the report referred to in paragraph 2 above, also to report on the progress of UNAMIR following its initial deployment, and ***resolves*** to review as appropriate, on the basis of that report and as part of the review referred to in paragraph 2 above, the requirement for further deployments in the scale and composition recommended by the Secretary-General in his report (S/26488);

9. Invites the Secretary-General to consider ways of reducing the total maximum strength of UNAMIR, in particular through phased deployment without thereby affecting the capacity of UNAMIR to carry out its mandate, and ***requests*** the Secretary-General in planning and executing the phased deployment of UNAMIR to seek economies and to report regularly on what is achieved in this regard;

10. Welcomes the intention of the Secretary-General to appoint a Special Representative who would lead UNAMIR in the field and exercise authority over all its elements;

11. Urges the parties to implement the Arusha Peace Agreement in good faith;

12. Also requests the Secretary-General to conclude expeditiously an agreement on the status of the operation, and all personnel engaged in the operation in Rwanda, to come into force as near as possible to the outset of the operation and no later than thirty days after the adoption of this resolution;

13. Demands that the parties take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;

14. Urges Member States, United Nations agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance in favour of the Rwandese population and of the democratization process in Rwanda;

15. Decides to remain actively seized of the matter.

RESOLUTION 891 (1993)

20 December 1993

Adopted by unanimous vote.
Prepared in the course of the Council's prior consultations.

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,

Recalling its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda (UNAMIR),

Having examined the Secretary-General's report (S/26878) dated 15 December 1993,

Welcoming the substantial results obtained by the deployment of the United Nations Observer Mission Uganda-Rwanda (UNOMUR),

Endorsing the Secretary-General's view, shared by the Governments of Uganda and Rwanda, that UNOMUR has been a factor of stability in the area and that it is playing a useful role as a confidence-building mechanism,

1. Welcomes the Secretary-General's report (S/26878);

2. Decides to extend the mandate of UNOMUR for a period of six months, as envisaged in Security Council resolution 846 (1993);

3. Notes that the integration of UNOMUR within UNAMIR is purely administrative in nature and that it will in no way affect the mandate of UNOMUR as set out in resolution 846 (1993);

4. Expresses its appreciation to the Government of Uganda for its cooperation and support for UNOMUR;

5. Underlines the importance of civilian and military authorities in the mission area continuing to have a cooperative attitude;

6. Decides to remain seized of the matter.

RESOLUTION 893 (1994)

6 January 1994

Adopted by unanimous vote.
Prepared in the course of the Council's prior consultations.

The Security Council,

Reaffirming its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda (UNAMIR),

Recalling its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Having examined the report of the Secretary-General of 30 December 1993 (S/26927), in the context of the review called for in its resolution 872 (1993), as well as his previous report of 24 September 1993 (S/26488 and Add.1),

Welcoming the conclusion, on 5 November 1993, of an agreement on the status of UNAMIR and its personnel in Rwanda,

Taking note of the progress described in the Secretary-General's report of 30 December 1993 in implementing the Arusha Peace Agreement,

Welcoming further the valuable contribution to peace made in Rwanda by UNAMIR,

Noting with concern the incidents of violence in Rwanda and the consequences for Rwanda of the situation in Burundi, and ***urging*** all concerned to reaffirm their commitment to peace,

Welcoming also the joint statement made by the parties in Kinihira on 10 December 1993 concerning the implementation of the Arusha Peace Agreement and, in particular, the prompt establishment of a broad-based transitional government,

1. Reaffirms its approval of the Secretary-General's proposal concerning the deployment of UNAMIR as outlined in his report of 24 September 1993, including the early deployment of the second battalion to the demilitarized zone as indicated in paragraph 30 of his report of 30 December 1993;

2. Strongly urges the parties to cooperate fully in furthering the peace process, to comply fully with the Arusha Peace Agreement, on which the schedule contained in the Secretary-General's report of 24 September 1993 is based, and in particular to establish a broad-based transitional government at the earliest opportunity in accordance with this Agreement;

3. Stresses that continued support for UNAMIR will depend upon the full and prompt implementation by the parties of the Arusha Peace Agreement;

4. Welcomes the continued efforts by the Secretary-General and his Special Representative to help promote and enhance dialogue among all the parties concerned;

5. Commends the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance and ***urges*** others to provide such assistance;

6. Commends in particular the efforts of the Organization of African Unity, its member States and agencies in providing diplomatic, political, humanitarian and other support for the implementation of resolution 872 (1993);

7. Reiterates its request to the Secretary-General to continue to monitor the size and cost of UNAMIR to seek economies;

8. Decides to remain actively seized of the matter.

STATEMENT BY THE PRESIDENT

17 February 1994 (S/PRST/1994/8)

At the 3337th meeting of the Security Council, held on 17 February 1994, in connection with the Council's consideration of the item "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

The Security Council, which welcomed the conclusion of the Arusha Peace Agreement and the political will demonstrated by the Rwandese parties in implementing it, remains deeply concerned by the delays in establishing the broad-based transitional government which is one of the key points in the Agreement. The absence of such a government is an impediment to progress under that Agreement and the functioning of institutions of the State. Furthermore, it is having adverse effects on the humanitarian situation in the country, the deterioration of which is of profound concern to the international community. The speedy installation of a broad-based transitional government would facilitate the provision of more effective assistance to the populations in need.

The Security Council, taking note of the fact that the President of Rwanda has been sworn in as the interim Head of State, encourages him, in the context of that responsibility, to continue his efforts for the speedy installation of the other transitional institutions, in conformity with the Arusha Peace Agreement.

The Security Council calls on all the parties concerned to overcome their differences and cooperate fully with the Special Representative of the Secretary-General of the United Nations and the Organization of African Unity (OAU) in order to advance the process of national reconciliation. It strongly urges the establishment, without delay, of the provisional institutions provided for in the Arusha Peace Agreement.

The Security Council is also deeply concerned at the deterioration in the security situation, particularly in Kigali. In this connection, it reminds the parties of their obligation to respect the weapon-free zone established in and around the city.

The Security Council calls the attention of the parties to the consequences for them of non-compliance with that provision of the Agreement. It notes that UNAMIR will be assured of consistent support only if the parties implement the Arusha Peace Agreement fully and rapidly.

RESOLUTION 909 (1994)

5 April 1994

Adopted by unanimous vote.
Prepared in the course of the Council's prior consultations.

The Security Council,

Reaffirming its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda (UNAMIR), as well as its resolution 893 (1994) of 6 January 1994,

Recalling its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Recalling also its statement dated 17 February 1994 (S/PRST/1994/8),

Having considered the report of the Secretary-General dated 30 March 1994 (S/1994/360),

Welcoming the valuable contribution to peace being made in Rwanda by UNAMIR,

Expressing its deep concern at the delay in the establishment of the broad-based transitional Government and the Transitional National Assembly,

Emphasizing that the Security Council, in resolution 893 (1994) of 6 January 1994, authorized the deployment of a second battalion to the demilitarized zone as recommended by the Secretary-General in his report of

30 December 1993 (S/26927), and that the international community has thus done its part in ensuring that conditions exist for implementing the Agreement,

Considering that the fact that the transitional institutions have not been established constitutes a major obstacle to the implementation of the Arusha Peace Agreement,

Concerned at the deterioration in security in the country, particularly in Kigali,

Concerned also at the deterioration of the humanitarian and health situation,

1. Welcomes the report of the Secretary-General on Rwanda dated 30 March 1994;

2. Decides to extend the mandate of UNAMIR until 29 July 1994, on the understanding that the Security Council will, within the next six weeks, review the situation in Rwanda, including the role played in that country by the United Nations, if the Secretary-General informs it in a report that the transitional institutions provided for under the Arusha Peace Agreement have not been established and that insufficient progress has been made for the implementation of phase II of the Secretary-General's plan contained in his report of 24 September 1993 (S/26488);

3. Regrets the delay in the implementation of the Arusha Peace Agreement, and ***urges*** the parties to resolve their latest differences without delay with a view to the immediate establishment of those transitional institutions still required for the continuation of the process, and particularly the implementation of phase II;

4. Welcomes the fact that, despite the difficulties encountered in implementing the Arusha Peace Agreement, the cease-fire has been respected, and ***commends*** in this respect the essential contribution made by UNAMIR;

5. Recalls nevertheless that continued support for UNAMIR, including the provision of an additional 45 civilian police monitors as described in paragraph 38 of the Secretary-General's report, will depend upon full and prompt implementation by the parties of the Arusha Peace Agreement;

6. Welcomes the continued efforts by the Secretary-General and his Special Representative to help promote and facilitate dialogue between all parties concerned;

7. Commends the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, ***encourages*** them to continue and increase such assistance, and again ***urges*** others to provide such assistance;

8. Commends in particular the efforts of the Organization of African Unity and its agencies, as well as those of the Tanzanian facilitator, in providing diplomatic, political, humanitarian and other support for the implementation of the relevant resolutions of the Council;

9. Reiterates its request to the Secretary-General to continue to monitor the size and cost of UNAMIR to seek economies;

10. Decides to remain actively seized of the question.

STATEMENT BY THE PRESIDENT

7 April 1994 (S/PRST/1994/16)

At the 3361st meeting of the Security Council, held on 7 April 1994, in connection with the Council's consideration of the item entitled "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

The Security Council is deeply disturbed by the tragic incident that resulted in the deaths of the Presidents of Burundi and Rwanda on 6 April 1994 and the ensuing violence. The Council expresses regret at the incident. It invites the Secretary-General to collect all available information with all means at his disposal and report to the Council as soon as possible.

The Security Council is following with great concern the situation as described by the Secretariat in its oral report. There has been considerable loss of lives, including the deaths of Government leaders, many civilians and at least ten Belgian peace-keepers as well as the reported kidnapping of others. The Council strongly condemns

these horrific attacks and their perpetrators, who must be held responsible.

The Council strongly condemns all these acts of violence and in particular these attacks against United Nations personnel and urges the Rwandese security forces and military and paramilitary units to put an end to these attacks and to cooperate fully with UNAMIR in the implementation of its mandate. It further demands that all measures be taken to provide security throughout the country and particularly in Kigali and the demilitarized zone (DMZ). Furthermore, the Council expresses its extreme concern at the implications for United Nations personnel and requests the Secretary-General to report on and take measures necessary to ensure their safety and security. The Council also demands that free access to the airport be restored in order to allow those who wish to enter or leave the country to do so.

The Council appeals to all Rwandese and to all parties and factions to desist from any further acts or threats of violence and to maintain the positions they held before the incident. It urges respect for the safety and security of the civilian population and of the foreign communities living in Rwanda as well as of UNAMIR and other United Nations personnel.

The Security Council earlier this week renewed the mandate of the United Nations Operation in Rwanda for a further four months, with a six-week review provision on the understanding that progress would be made in establishing all the transitional institutions under the Arusha Peace Agreement. It reaffirms its commitment to the Arusha Peace Agreement and urges all parties to implement it fully and in particular to respect the cease-fire.

The Council will remain seized of the matter.

RESOLUTION 912 (1994)

21 April 1994

Adopted by unanimous vote.
Prepared in the course of the Council's prior consultations.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR),

Recalling its resolution 909 (1994) of 5 April 1994, which extended the mandate of UNAMIR until 29 July 1994 with a six-week review provision on the understanding that progress would be made in establishing the transitional institutions provided for under the Arusha Peace Agreement between the Government of Rwanda and the Rwandese Patriotic Front,

Recalling also its statement of 7 April 1994 (S/PRST/1994/16) which, *inter alia*, reaffirmed its commitment to the Arusha Peace Agreement and urged all parties to implement it fully,

Having considered the report of the Secretary-General dated 20 April 1994 (S/1994/470),

Stressing that the Arusha Peace Agreement remains central to the peace process in Rwanda,

Expressing deep regret at the failure of the parties to implement fully the provisions of the Arusha Peace Agreement, particularly those provisions relating to the cease-fire,

Recognizing the initiatives made by the late Presidents of Rwanda and Burundi towards resolving the problems in their countries through peaceful means and in collaboration with regional leaders,

Shocked at the tragic incident that resulted in the deaths of the Presidents of Rwanda and Burundi on 6 April 1994,

Appalled at the ensuing large-scale violence in Rwanda, which has resulted in the death of thousands of innocent civilians, including women and children, the displacement of a significant number of the Rwandese population, including those who sought refuge with UNAMIR, and the significant increase in refugees to neighbouring countries,

Deeply concerned by continuing fighting, looting, banditry and the breakdown of law and order, particularly in Kigali,

Stressing the need for all countries to avoid any action that might exacerbate the situation in Rwanda,

Expressing its deep concern for the safety and security of UNAMIR and other United Nations personnel, and personnel of non-governmental organizations who are assisting in implementing the peace process and in distributing humanitarian relief,

1. Takes note of the report of the Secretary-General dated 20 April 1994;

2. Expresses regret at the tragic incident in which the Presidents of Rwanda and Burundi lost their lives, and ***reiterates*** its invitation to the Secretary-General to report to the Council as requested in its statement of 7 April 1994;

3. Expresses regret also at the ensuing violence which has claimed the lives of the Prime Minister, Cabinet Ministers, Government officials and thousands of other civilians;

4. Condemns the ongoing violence in Rwanda, particularly in Kigali, which endangers the lives and safety of the civilian population;

5. Strongly condemns the attacks against UNAMIR and other United Nations personnel leading to the deaths of and injury to several UNAMIR personnel and ***calls upon*** all concerned to put an end to these acts of violence and to respect fully international humanitarian law;

6. Demands an immediate cessation of hostilities between the forces of the Government of Rwanda and the Rwandese Patriotic Front and for an end to the mindless violence and carnage which are engulfing Rwanda;

7. Commends the active role of the Special Representative of the Secretary-General and of the Force Commander to bring about a cease-fire and to mediate between the parties in order to bring about the earliest resolution of the Rwandese crisis;

8. Decides, in the light of the current situation in Rwanda, to adjust the mandate of UNAMIR as follows:

(a) To act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire;

(b) To assist in the resumption of humanitarian relief operations to the extent feasible; and

(c) To monitor and report on developments in Rwanda, including the safety and security of the civilians who sought refuge with UNAMIR,

and ***authorizes*** a force level as set out in paragraphs 15 to 18 of the Secretary-General's report of 20 April 1994 for that purpose;

9. Decides to keep the situation in Rwanda under constant review and ***states its readiness*** to consider promptly any recommendations which the Secretary-General may make concerning the force level and mandate of UNAMIR in the light of developments;

10. Reiterates the crucial importance of the full implementation of the Arusha Peace Agreement to the settlement of the Rwandese conflict and ***invites*** the Organization of African Unity (OAU) to continue to cooperate fully with the United Nations in this regard;

11. Commends the efforts made by the leaders of the subregion at finding a solution to the crisis in Rwanda and ***calls on*** the leaders of the region, especially the facilitator to the Arusha peace process, to persevere and intensify their efforts, in cooperation with OAU and the United Nations;

12. Reaffirms that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwandese conflict and serves as the basis for peace, national unity and reconciliation in the country and ***calls on*** the parties to renew their commitment to this Agreement;

13. Calls also upon the parties to cooperate fully in ensuring the unimpeded delivery of humanitarian assistance to all in need throughout Rwanda and in this

regard ***appeals*** to the international community to provide increased humanitarian assistance commensurate with the scale of the human tragedy in Rwanda;

14. Affirms its commitment to preserving the unity and territorial integrity of Rwanda;

15. Invites the Secretary-General to continue to monitor the events in Rwanda and to report fully to the Council on the evolving situation not later than fifteen days after the adoption of this resolution;

16. Decides to remain actively seized of the matter.

STATEMENT BY THE PRESIDENT
30 April 1994 (S/PRST/1994/21)

At the 3371st meeting of the Security Council, held on 30 April 1994, in connection with the Council's consideration of the item entitled "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

The Security Council is appalled at continuing reports of the slaughter of innocent civilians in Kigali and other parts of Rwanda, and reported preparations for further massacres. It endorses the concern expressed by the Central Organ for Conflict Prevention, Management and Resolution of the Organization of African Unity (OAU) that the massacres and wanton killings have continued unabated in a systematic manner in Rwanda. It recalls that such killings have already been condemned by the Security Council in its resolution 912 (1994) of 21 April 1994.

Attacks on defenceless civilians have occurred throughout the country, especially in areas under the control of members or supporters of the armed forces of the interim Government of Rwanda. The Security Council demands that the interim Government of Rwanda and the Rwandese Patriotic Front take effective measures to prevent any attacks on civilians in areas under their control. It calls on the leadership of both parties to condemn publicly such attacks and to commit themselves to ensuring that persons who instigate or participate in such attacks are prosecuted and punished.

The Security Council condemns all these breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalls that persons who instigate or participate in such acts are individually responsible. In this context, the Security Council recalls that the killing of members of an ethnic group with the intention of destroying such a group in whole or in part constitutes a crime punishable under international law.

The Security Council reiterates the demand in its resolution 912 (1994) for an immediate cease-fire and cessation of hostilities between the forces of the interim Government of Rwanda and the Rwandese Patriotic Front. It commends the efforts by the Special Representative of the Secretary-General and the Force Commander of the United Nations Assistance Mission for Rwanda (UNAMIR) to mediate such an outcome, and requests them to continue their efforts in liaison with countries of the region and the OAU. It also commends the courage and determination of UNAMIR personnel in affording protection to civilians who sought refuge with UNAMIR.

The Security Council welcomes the efforts that have been made by countries of the region, with the assistance of the Organization of African Unity, to bring about an end to the fighting and the killings in Rwanda. It also commends the efforts of States, United Nations agencies, and non-governmental organizations to provide emergency humanitarian assistance to the suffering people of Rwanda.

The Security Council is deeply concerned at the situation of the many thousands of refugees and displaced persons who have been forced to flee the fighting and killings in Rwanda.

The Security Council calls on all States to assist the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian and relief agencies operating in the area in meeting the urgent humanitarian

needs in Rwanda and its bordering States. The Council calls on States bordering Rwanda, working with the OAU, to provide appropriate protection to refugees and to facilitate transfer of goods and supplies to meet the needs of the displaced persons within Rwanda.

The Security Council calls on all Rwandese parties to guarantee the protection of displaced persons and refugees in Rwanda and refugees outside Rwanda and to ensure safe passage for humanitarian assistance.

The Security Council underlines the urgent need for coordinated international action to help bring peace to Rwanda and to alleviate the suffering of the Rwandese people. It requests the Secretary-General, in consultation with the Secretary-General of the OAU and countries of the region, to take appropriate measures to ensure that international efforts to assist the situation in Rwanda are carried out in an effective and coordinated manner, and to ensure that all relevant parties are kept fully informed.

The Security Council emphasizes the importance of Kigali airport for the provision of international relief efforts to Rwanda, as well as for the requirements of UNAMIR. It calls on the parties to allow the airport to be kept open at all times for such purposes.

The Security Council stresses the importance of ensuring that the situation in Rwanda does not affect adversely the security and stability of neighbouring countries.

The Security Council warns that the situation in Rwanda would be further seriously aggravated if either of the parties were to have access to additional arms. It appeals to all States to refrain from providing arms or any military assistance to the parties to the conflict. It states its willingness in principle to consider promptly the application of an arms embargo to Rwanda.

The Security Council reaffirms its commitment to preserving the unity and territorial integrity of Rwanda. It reiterates its conviction that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwanda conflict and serves as the basis for peace, national unity and reconciliation in the country. It calls again on the parties to renew their commitment to this Agreement.

The Security Council requests the Secretary-General:

(a) in consultation with the Secretary-General of the OAU, to report further on action which may be undertaken with a view to assisting in the restoration of law and order in Rwanda and in providing security for displaced persons;

(b) to work with UNHCR, the OAU and countries of the region to take such preventive diplomatic steps as may be necessary to prevent the spread of violence and atrocities to neighbouring countries;

(c) to explore urgently ways of extending humanitarian relief assistance to refugees and displaced persons;

(d) to consult UNHCR on measures to provide humanitarian assistance to those displaced persons congregated along the borders with Tanzania, Uganda, Zaire and Burundi;

(e) to bring to its attention any information that he might receive concerning arms flows into Rwanda, and to consult the countries of the region and the OAU about the practical implementation of an arms embargo on Rwanda; and

(f) to make proposals for investigation of the reports of serious violations of international humanitarian law during the conflict.

The Security Council states its intention to consider urgently the letter of the Secretary-General dated 29 April 1994 (S/1994/518) and further recommendations that the Secretary-General may provide.

RESOLUTION 918 (1994)

17 May 1994

Adopted as a whole by unanimous vote. Prior to the adoption of the text in its entirety, Section B was adopted by a vote of 14 in favour, one against (Rwanda).

Sponsors: The Czech Republic, France, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), its resolution 909 (1994) of 5 April 1994 which extended the mandate of UNAMIR until 29 July 1994, and its resolution 912 (1994) of 21 April 1994 by which it adjusted the mandate of UNAMIR,

Recalling the statements made by the President of the Council on 7 April 1994 (S/PRST/1994/16) and 30 April 1994 (S/PRST/1994/21),

Having considered the report of the Secretary-General dated 13 May 1994 (S/1994/565),

Reaffirming its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Strongly condemning the ongoing violence in Rwanda and particularly condemning the very numerous killings of civilians which have taken place in Rwanda and the impunity with which armed individuals have been able to operate and continue operating therein,

Stressing the importance of the Arusha Peace Agreement to the peaceful resolution of the conflict in Rwanda and the necessity for all parties to recommit themselves to its full implementation,

Commending the efforts of the Organization of African Unity (OAU) and its organs, as well as the efforts of the Tanzanian Facilitator, in providing diplomatic, political, and humanitarian support for the implementation of the relevant resolutions of the Council,

Deeply concerned that the situation in Rwanda, which has resulted in the death of many thousands of innocent civilians, including women and children, the internal displacement of a significant percentage of the Rwandese population, and the massive exodus of refugees to neighbouring countries, constitutes a humanitarian crisis of enormous proportions,

Expressing once again its alarm at continuing reports of systematic, widespread and flagrant violations of international humanitarian law in Rwanda, as well as other violations of the rights to life and property,

Recalling in this context that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law,

Strongly urging all parties to cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred,

Recalling also its request to the Secretary-General to collect information on the responsibility for the tragic incident that resulted in the death of the Presidents of Rwanda and Burundi,

Recalling further that it had requested the Secretary-General to make proposals for the investigation of reports of serious violations of international humanitarian law during the conflict,

Underlining the urgent need for coordinated international action to alleviate the suffering of the Rwandese people and to help restore peace in Rwanda, and in this connection ***welcoming*** cooperation between the United Nations and the OAU as well as with countries of the region, especially the facilitator of the Arusha peace process,

Desiring in this context to expand the mandate of UNAMIR for humanitarian purposes, and ***stressing*** the importance it attaches to the support and cooperation of the parties for the successful implementation of all aspects of that mandate,

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

Recognizing that the people of Rwanda bear ultimate responsibility for national reconciliation and reconstruction of their country,

Deeply disturbed by the magnitude of the human suffering caused by the conflict and ***concerned*** that the continuation of the situation in Rwanda constitutes a threat to peace and security in the region,

A

1. Demands that all parties to the conflict immediately cease hostilities, agree to a cease-fire, and bring an end to the mindless violence and carnage engulfing Rwanda;

2. Welcomes the report of the Secretary-General dated 13 May 1994 (S/1994/565);

3. Decides to expand UNAMIR's mandate under resolution 912 (1994) to include the following additional responsibilities within the limits of the resources available to it:

(a) To contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) To provide security and support for the distribution of relief supplies and humanitarian relief operations;

4. Recognizes that UNAMIR may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

5. Authorizes in this context an expansion of the UNAMIR force level up to 5,500 troops;

6. Requests the Secretary-General, as recommended in his report, and as a first phase, immediately to redeploy to Rwanda the UNAMIR military observers currently in Nairobi and to bring up to full strength the elements of the mechanized infantry battalion currently in Rwanda;

7. Further requests the Secretary-General to report as soon as possible on the next phase of UNAMIR's deployment including, *inter alia*, on the cooperation of the parties, progress towards a cease-fire, availability of resources and the proposed duration of the mandate for further review and action, as required, by the Council;

8. Encourages the Secretary-General to accelerate his efforts, in conjunction with the Secretary-General of the OAU, to obtain from Member States the necessary personnel to enable deployment of the expanded UNAMIR to proceed urgently;

9. Invites Member States to respond promptly to the Secretary-General's request for the resources required, including logistical support capability for rapid deployment of the UNAMIR expanded force level and its support in the field;

10. Strongly urges all parties in Rwanda to cooperate fully with UNAMIR in the implementation of its mandate and in particular in ensuring its freedom of movement and the unimpeded delivery of humanitarian assistance, and ***further calls upon*** them to treat Kigali airport as a neutral zone under the control of UNAMIR;

11. Demands that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda, and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. Commends the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, ***encourages*** them to continue and increase such assistance, and ***urges*** others to provide such assistance;

B

Determining that the situation in Rwanda constitutes a threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

13. Decides that all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related *matériel* of all types, including weapons and

ammunition, military vehicles and equipment, paramilitary police equipment and spare parts;

14. Decides also to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 above;

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 13 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

15. Calls upon all States, including States not Members of the United Nations, and international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the adoption of this resolution;

16. Decides that the provisions set forth in paragraphs 13 and 15 above do not apply to activities related to UNAMIR and UNOMUR;

17. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

C

18. Requests the Secretary-General to present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict;

19. Invites the Secretary-General and his Special Representative, in coordination with the OAU and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement;

20. Decides to keep the situation in Rwanda under constant review and **requests** the Secretary-General to report further, including on the humanitarian situation, within five weeks of the adoption of this resolution and again in good time before the expiration of the current mandate of UNAMIR;

21. Decides to remain actively seized of the matter.

RESOLUTION 925 (1994)

8 June 1994

Adopted by unanimous vote.
Prepared in the course of the Council's prior consultations.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolutions 912 (1994) of 21 April 1994 and 918 (1994) of 17 May 1994, which set out the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR),

Having considered the report of the Secretary-General dated 31 May 1994 (S/1994/640),

Bearing in mind the statement made by the President of the Council on 3 May 1994 (S/PRST/1994/22),

Reaffirming its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Noting with concern that, to date, the parties have not ceased hostilities, agreed to a cease-fire, or brought an end to the violence and carnage affecting civilians,

Noting with the gravest concern the reports indicating that acts of genocide have occurred in Rwanda and

recalling in this context that genocide constitutes a crime punishable under international law,

Reiterating its strong condemnation of the ongoing violence in Rwanda and, in particular, the systematic killing of thousands of civilians,

Expressing its outrage that the perpetrators of these killings have been able to operate and continue operating within Rwanda with impunity,

Noting that UNAMIR is not to have the role of a buffer force between the two parties,

Noting also that UNAMIR's expanded military component will continue only as long as and to the extent that it is needed to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda and to provide security, as required, to humanitarian relief operations,

Underscoring that the internal displacement of some 1.5 million Rwandese facing starvation and disease and the massive exodus of refugees to neighbouring countries constitute a humanitarian crisis of enormous proportions,

Reiterating the importance of the Arusha Peace Agreement as the basis for the peaceful resolution of the conflict in Rwanda,

Commending the countries which have provided humanitarian assistance to Rwandese refugees, as well as emergency aid to alleviate the sufferings of the Rwandese people, and those countries which have contributed troops and logistical support to UNAMIR, and ***reiterating*** the urgent need for coordinated international action in this respect,

Welcoming the cooperation between the United Nations and the Organization of African Unity (OAU) and the contributions of the countries of the region, especially that of the facilitator of the Arusha peace process, and ***encouraging*** them to continue their efforts,

Welcoming the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights,

Noting the appointment, pursuant to resolution S-3/1 of 25 May 1994 adopted by the United Nations Commission on Human Rights, of a Special Rapporteur for Rwanda,

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

1. Welcomes the Secretary-General's report of 31 May 1994 (S/1994/640);

2. Endorses the Secretary-General's proposals contained therein for the deployment of the expanded UNAMIR, in particular:

(a) The immediate initiation of the deployment of the two additional battalions in phase 2 in close synchronization with phase 1;

(b) The continuation of urgent preparations for the deployment of the two battalions envisaged for phase 3; and

(c) Flexible implementation of all three phases to ensure effective use of available resources to accomplish the tasks listed in paragraphs 4 (a) and (b) below;

3. Decides to extend the mandate of UNAMIR, expiring on 29 July 1994, until 9 December 1994;

4. Reaffirms that UNAMIR, in addition to continuing to act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire, will:

(a) Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas; and

(b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;

5. Recognizes that UNAMIR may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

6. Demands that all parties to the conflict cease hostilities, agree to a cease-fire and immediately take steps to bring an end to systematic killings in areas under their control;

7. Welcomes the assurances of both parties to cooperate with UNAMIR in carrying out its mandate, ***recognizes*** that such cooperation will be essential to the effective implementation of the mandate, and ***demands*** that both parties adhere to those assurances;

8. Demands further that all parties cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred;

9. Urges Member States to respond promptly to the Secretary-General's request for resources, including logistical support capability for rapid deployment of additional UNAMIR forces;

10. Requests the Secretary-General to ensure that UNAMIR extend the close cooperation it has with the Department of Humanitarian Affairs and the United Nations Rwanda Emergency Office also to the Special Rapporteur for Rwanda appointed by the United Nations Commission on Human Rights;

11. Demands that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda, and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. Emphasizes the necessity that, *inter alia*:

(a) All appropriate steps be taken to ensure the security and safety of the operation and personnel engaged in the operation; and

(b) The security and safety arrangements undertaken extend to all persons engaged in the operation;

13. Commends the efforts of States, United Nations agencies, international organizations and non-governmental organizations which have provided humanitarian and other assistance, ***encourages*** them to continue and increase such assistance, and ***urges*** others to provide such assistance;

14. Welcomes the intention of the Secretary-General to establish a special trust fund for Rwanda and ***invites*** the international community to contribute generously to it;

15. Commends the tireless efforts of the UNAMIR Force Commander to prevent more innocent lives from being lost, and to bring about a cease-fire between the parties;

16. Commends also the efforts of the Secretary-General and his Special Representative to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement, ***invites*** them, in coordination with the OAU and countries in the region, to continue their efforts, and ***demands*** that the parties undertake serious efforts to bring about political reconciliation;

17. Decides to keep the situation in Rwanda and the role played by UNAMIR under constant review and, to that end, ***requests*** the Secretary-General to report to the Council as appropriate, and in any case no later than 9 August 1994 and 9 October 1994, on progress made by UNAMIR in the discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards a cease-fire and political reconciliation;

18. Decides to remain actively seized of the matter.

RESOLUTION 928 (1994)

20 June 1994

Adopted by unanimous vote.
Prepared in the course of the Council's prior consultations.

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Recalling its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for

Rwanda (UNAMIR), as well as its resolutions 893 (1994) of 6 January 1994, 909 (1994) of 5 April 1994, 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994,

Having examined the Secretary-General's report (S/1994/715) on the United Nations Observer Mission for Uganda-Rwanda (UNOMUR) dated 16 June 1994,

Welcoming the extension, as of 14 May 1994, of UNOMUR's observation and monitoring activities to the entire Uganda/Rwanda border,

Stressing the need for the observance and strict monitoring of the general and complete embargo of all deliveries of weapons and military equipment to Rwanda, as described in paragraph 13 of its resolution 918 (1994),

Considering that the issue of arms flows is one of the major areas of concern in the cease-fire talks currently being held between the Rwandese parties under the auspices of UNAMIR,

1. Welcomes the Secretary-General's report (S/1994/715);

2. Decides to extend the mandate of UNOMUR for a final period of three months until 21 September 1994 and agrees that during this period the number of military observers should be reduced by phases;

3. Requests the Secretary-General to report to the Council on the termination of UNOMUR before the completion of its mandate;

4. Expresses appreciation to the Government of Uganda for the cooperation and support it has extended to UNOMUR;

5. Stresses the importance of continued cooperation between the Ugandan authorities and UNOMUR;

6. Decides to remain actively seized of the matter.

RESOLUTION 929

22 June 1994

Adopted by a vote of 10 in favour, 0 against and 5 abstentions (Brazil, China, New Zealand, Nigeria, Pakistan)

Sponsor: France

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, which set out the mandate and force level of the United Nations Assistance Mission for Rwanda (UNAMIR),

Determined to contribute to the resumption of the process of political settlement under the Arusha Peace Agreement and ***encouraging*** the Secretary-General and his Special Representative for Rwanda to continue and redouble their efforts at the national, regional and international levels to promote these objectives,

Stressing the importance of the cooperation of all parties for the fulfilment of the objectives of the United Nations in Rwanda,

Having considered the letter of the Secretary-General of 19 June 1994 (S/1994/728),

Taking into account the time needed to gather the necessary resources for the effective deployment of UNAMIR, as expanded in resolutions 918 (1994) and 925 (1994),

Noting the offer by Member States to cooperate with the Secretary-General towards the fulfilment of the objectives of the United Nations in Rwanda (S/1994/734), and ***stressing*** the strictly humanitarian character of this operation which shall be conducted in an impartial and neutral fashion, and shall not constitute an interposition force between the parties,

Welcoming the cooperation between the United Nations, the Organization of African Unity (OAU) and neighbouring States to bring peace to Rwanda,

Deeply concerned by the continuation of systematic and widespread killings of the civilian population in Rwanda,

Recognizing that the current situation in Rwanda constitutes a unique case which demands an urgent response by the international community,

Determining that the magnitude of the humanitarian crisis in Rwanda constitutes a threat to peace and security in the region,

1. Welcomes the Secretary-General's letter dated 19 June 1994 (S/1994/728) and ***agrees*** that a multinational operation may be set up for humanitarian purposes in Rwanda until UNAMIR is brought up to the necessary strength;

2. Welcomes also the offer by Member States (S/1994/734) to cooperate with the Secretary-General in order to achieve the objectives of the United Nations in Rwanda through the establishment of a temporary operation under national command and control aimed at contributing, in an impartial way, to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, on the understanding that the costs of implementing the offer will be borne by the Member States concerned;

3. Acting under Chapter VII of the Charter of the United Nations, ***authorizes*** the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 2 above using all necessary means to achieve the humanitarian objectives set out in subparagraphs 4 (a) and (b) of resolution 925 (1994);

4. Decides that the mission of Member States cooperating with the Secretary-General will be limited to a period of two months following the adoption of the present resolution, unless the Secretary-General determines at an earlier date that the expanded UNAMIR is able to carry out its mandate;

5. Commends the offers already made by Member States of troops for the expanded UNAMIR;

6. Calls upon all Member States to respond urgently to the Secretary-General's request for resources, including logistical support, in order to enable expanded UNAMIR to fulfil its mandate effectively as soon as possible and ***requests*** the Secretary-General to identify and coordinate the supply of the essential equipment required by troops committed to the expanded UNAMIR;

7. Welcomes, in this respect, the offers already made by Member States of equipment for troop contributors to UNAMIR and ***calls on*** other Members to offer such support, including the possibility of comprehensive provision of equipment to specific troop contributors, to speed UNAMIR's expanded force deployment;

8. Requests Member States cooperating with the Secretary-General to coordinate closely with UNAMIR and ***also requests*** the Secretary-General to set up appropriate mechanisms to this end;

9. Demands that all parties to the conflict and others concerned immediately bring to an end all killings of civilian populations in areas under their control and allow Member States cooperating with the Secretary-General to implement fully the mission set forth in paragraph 3 above;

10. Requests the States concerned and the Secretary-General, as appropriate, to report to the Council on a regular basis, the first such report to be made no later than fifteen days after the adoption of this resolution, on the implementation of this operation and the progress made towards the fulfilment of the objectives referred to in paragraphs 2 and 3 above;

11. Also requests the Secretary-General to report on the progress made towards completing the deployment of the expanded UNAMIR within the framework of the report due no later than 9 August 1994 under paragraph 17 of resolution 925 (1994), as well as on progress towards the resumption of the process of political settlement under the Arusha Peace Agreement;

12. Decides to remain actively seized of the matter.

RESOLUTION 935 (1994)

1 July 1994

Adopted by unanimous vote.

Sponsors: Argentina, Czech Republic, France, New Zealand, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Reaffirming, in particular, resolutions 918 (1994) and 925 (1994), which expanded the United Nations Assistance Mission for Rwanda (UNAMIR), and ***stressing*** in this connection the need for early deployment of the expanded UNAMIR to enable it to carry out its mandate,

Recalling the statement by the President of the Security Council of 30 April 1994 (S/PRST/1994/21) in which the Security Council, *inter alia*, condemned all breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalled that persons who instigate or participate in such acts are individually responsible,

Recalling also the requests it addressed to the Secretary-General in the statement by the President of the Security Council of 30 April 1994 and in resolution 918 (1994), concerning the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict,

Having considered the report of the Secretary-General of 31 May 1994 (S/1994/640), in which he noted that massacres and killings have continued in a systematic manner throughout Rwanda and also noted that only a proper investigation can establish the facts in order to enable the determination of responsibility,

Welcoming the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights and ***noting*** the appointment, pursuant to resolution S-3/1 of 25 May 1994 adopted by the United Nations Commission on Human Rights, of a Special Rapporteur for Rwanda,

Expressing once again its grave concern at the continuing reports indicating that systematic, widespread and flagrant violations of international humanitarian law, including acts of genocide, have been committed in Rwanda,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for those violations and should be brought to justice,

1. Requests the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to the present resolution, together with such further information as the Commission of Experts may obtain through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur for Rwanda, with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide;

2. Calls upon States and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to grave violations of international humanitarian law, including breaches of the Convention on the Prevention and Punishment of the Crime of Genocide, committed in Rwanda during the conflict, and ***requests*** States, relevant United Nations bodies, and relevant organizations to make this information available within thirty days of the adoption of the present resolution and as appropriate thereafter, and to provide appropriate assistance to the Commission of Experts referred to in paragraph 1;

3. Requests the Secretary-General to report to the Council on the establishment of the Commission of Experts, and ***further requests*** the Secretary-General, within four months from the establishment of the Commission of Experts, to report to the Council on the conclusions of the Commission and to take account of these conclusions in any recommendations for further appropriate steps;

4. Also requests the Secretary-General and as appropriate the High Commissioner for Human Rights through the Secretary-General to make the information submitted to the Special Rapporteur for Rwanda available to the Commission of Experts and to facilitate adequate coordination and cooperation between the work of the Commission of Experts and the Special Rapporteur in the performance of their respective tasks;

5. Urges all concerned fully to cooperate with the Commission of Experts in the accomplishment of its mandate, including responding positively to requests from the Commission for assistance and access in pursuing investigations;

6. Decides to remain actively seized of the matter.

STATEMENT BY THE PRESIDENT
14 July 1994 (S/PRST/1994/34)

At the 3405th meeting of the Security Council, held on 14 July 1994, in connection with the Council's consideration of the item entitled "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

The Security Council is alarmed by the continuation of fighting in Rwanda, which is causing a massive exodus of the population. This situation may lead very quickly to a further humanitarian disaster and endanger the stability of the region, since the flow of these refugees is seriously affecting the neighbouring countries.

In the light of this grave situation, the Security Council:

– Demands an immediate and unconditional cease-fire and invites the parties to report to the Force Commander of the United Nations Assistance Mission in Rwanda (UNAMIR) on their actions in this respect;

– Urges the resumption of the political process in the framework of the Arusha Peace Agreement and calls upon the countries of the region, the Secretary-General, his Special Representative and the Organization of African Unity (OAU) to contribute actively to it;

– Reaffirms the humanitarian nature of the secure area in the south-west of Rwanda and demands that all concerned fully respect this. It will keep the matter under close review;

– Urges also Member States, United Nations agencies and non-governmental organizations to mobilize all available resources in order urgently to provide humanitarian assistance to the civilian population in distress;

– Calls upon Member States to provide the necessary contributions in order to ensure the deployment of the expanded UNAMIR in the immediate future.

The Security Council is determined to follow very closely the development of the situation in Rwanda and remains actively seized of the matter.

STATEMENT BY THE PRESIDENT
10 August 1994 (S/PRST/1994/42)

At the 3414th meeting of the Security Council, held on 10 August 1994, in connection with the Council's consideration of the item entitled "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

The Security Council remains extremely concerned at the situation, as described in the report of the Secretary-General on Rwanda (S/1994/924) and oral briefings by the Secretariat, in Rwanda and in the countries of the region where millions of displaced persons and refugees are concentrated in extremely precarious conditions from the standpoint of both food and sanitation.

Bearing in mind the extreme seriousness of this situation, the Security Council considers that at present the most immediate task is to respond to the massive humanitarian crisis created by the population movements. To this end, the Council expresses its appreciation to all Member States, United Nations agencies, non-governmental organizations and individuals who responded to this humanitarian challenge and encourages them to continue and intensify their efforts, in particular in Rwandan territory with a view to alleviating to the best of their

ability the situation of all those who have fled from their homes and villages.

The Security Council believes, furthermore, that the rapid return of the refugees and displaced persons to their homes is essential for the normalization of the situation in Rwanda. In this regard, the Council strongly condemns attempts to intimidate refugees carried out by those who are seeking to prevent them from returning to Rwanda. It urges the former leadership of Rwanda and those who have assumed political responsibility in the refugee camps to cooperate with representatives of the current Government in reconciliation and repatriation efforts and cease forthwith attempts and propaganda campaigns directed at destabilizing the situation in Rwanda and inducing refugees to stay in exile.

The Security Council, moreover, welcomes the declared readiness of the new Government of Rwanda to encourage the return of the refugees and displaced persons, ensure their protection and their legal rights and allow aid to reach those who require it anywhere in the country. It considers that the new Government of Rwanda is responsible for the rapid implementation of these commitments, which are essential for speeding up the return of refugees to Rwanda.

The Security Council also calls upon the Government of Rwanda to ensure that there are no reprisals against those who wish to return to their homes and resume their occupations. To this end, the Council encourages the Government of Rwanda to cooperate with the United Nations, in particular with the Commission of Experts established by the Council in its resolution 935 (1994), in ensuring that those guilty of the atrocities committed in Rwanda, in particular the crime of genocide are brought to justice through an appropriate mechanism or mechanisms which will ensure fair and impartial trials in accordance with international standards of justice. In this connection, the Council welcomes the recent statement by the new Government of Rwanda supporting the establishment of an international tribunal and welcomes the report of the Secretary-General of 26 July 1994 (S/1994/879) on the establishment of the Commission of Experts and the appointment of its members (S/1994/906), and urges the Commission to submit its conclusions as soon as possible.

The Security Council welcomes the Secretary-General's intention to adapt the practical tasks of the United Nations Assistance Mission for Rwanda (UNAMIR) to the evolving situation within the framework of Security Council resolution 925 (1994). The Council underlines that the full deployment of UNAMIR will be important to establish a more secure environment in order to accelerate the process of return of refugees and displaced persons and to prevent further population movements, in particular from the secure humanitarian area, which might exacerbate the situation in neighbouring countries. For this reason, it is essential that the contingents that are to be part of UNAMIR are deployed without further delay and that the technical assistance that they require for this purpose is provided to them as soon as possible.

The Security Council also notes the importance of the deployment in Rwandan territory of civilian observers responsible for monitoring the establishment of a more secure environment, and in this regard welcomes the measures envisaged by the High Commissioner for Human Rights, within his mandate, with the assistance of certain Member States.

The Security Council reaffirms, as the Secretary-General emphasizes in his report of 3 August 1994 (S/1994/924), that the Arusha Peace Agreement constitutes an appropriate frame of reference for promoting national reconciliation in Rwanda. The Council reminds the Government of Rwanda of its responsibility for bringing its people together again in national reconciliation. In this context, the Council commends the countries neighbouring Rwanda and the Organization of African Unity for their commitment and assistance towards the solution of the conflict in Rwanda, and encourages them to continue to promote stability in the country and the entire region. The Council believes that, for their part, the neighbouring countries are also respon-

sible for ensuring that their territories are not used for further destabilization of the situation.

STATEMENT BY THE PRESIDENT
14 October 1994 (S/PRST/1994/59)

At the 3436th meeting of the Security Council, held on 14 October 1994, in connection with the Council's consideration of the item entitled "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

The Security Council has considered the Secretary-General's progress report on the United Nations Assistance Mission for Rwanda (UNAMIR) (S/1994/1133). The Council stresses the importance it attaches to the role of UNAMIR, whose neutral and independent presence is crucial to creating conditions of security. It welcomes the Secretary-General's revised deployment schedule for UNAMIR which is intended to promote security in all sectors of the country and create conditions conducive to the return of refugees. It also welcomes the assistance being provided by UNAMIR to the Government of Rwanda's efforts to establish a new integrated police force. It encourages UNAMIR to continue that assistance and asks the Secretary-General to provide it with detailed information on this programme.

The Security Council remains extremely concerned at the plight of the millions of refugees and displaced persons in Rwanda and the countries of the region. It reiterates its view that their return to their homes is essential for the normalization of the situation in Rwanda and for the stabilization of the region. It deplores the continuing acts of intimidation and violence within the refugee camps which are designed to prevent the refugee population there from returning home. It welcomes the commitment of the Governments of Zaire, Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety both of the refugees and of the international personnel providing humanitarian assistance to the refugees.

The Security Council notes the view expressed in the report that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former RGF soldiers and militias from the rest of the refugee population, and looks forward to receiving a further report from the Secretary-General on this issue, as soon as possible, based *inter alia* on the findings of the United Nations team participating in the joint Zairian/United Nations working group. It stresses once again the responsibilities which fall upon the neighbouring countries, including that of ensuring that their territories are not used to destabilize the situation.

The return of refugees is also crucially dependent upon the situation within Rwanda itself, including the existence of a climate of confidence and the establishment of a more secure environment. The Security Council notes the important role human rights monitors and their speedy deployment will have in this context and notes also the importance of cooperation between them and UNAMIR. The Security Council stresses the importance it attaches to UNAMIR having an effective broadcasting service to provide objective information. It hopes that the Government of Rwanda will assist in enabling the proposed United Nations radio station to come into operation as soon as possible.

The Security Council welcomes the efforts being made by the Rwandan Government to facilitate the return of refugees and to begin the difficult process of national reconciliation and reconstruction in the country. It notes with concern reports that some reprisals may have occurred and affirms the importance it attaches to the avoidance of reprisals against returnees and to the safeguarding of their property rights. It welcomes the speed with which the United Nations and the Government of Rwanda responded to allegations that some RPA soldiers might have been responsible for systematic killings. It underlines the importance it attaches to the thorough and expeditious investigation of these allegations.

The Security Council welcomes the assurance given to Council members by President Bizimungu of his Government's commitment to achieving national reconciliation and promoting respect for the fundamental rights of individuals. The Security Council stresses the importance it attaches to the Government of Rwanda implementing this commitment. In this context it endorses the Secretary-General's call to the Government of Rwanda to maintain an open dialogue with all political interest groups in Rwanda in an effort to achieve genuine reconciliation between all elements of Rwandan society, within the frame of reference of the Arusha Peace Agreement. In particular, the Security Council encourages the Rwandan Government to continue its efforts to invite members of the MRND who were not involved in the massacres to participate in the Government and to absorb members of the former RGF into the new army.

The Security Council reaffirms its view that those responsible for serious breaches of international humanitarian law and acts of genocide must be brought to justice. It stresses that persons involved in such acts cannot achieve immunity from prosecution by fleeing the country and notes that the provisions of the Convention relating to the status of refugees do not apply to such persons. In this context, the Council is currently considering the recommendations of the Commission of Experts in respect of the establishment of an international tribunal and will act expeditiously in the matter.

The Security Council commends the assistance given by the international community, the United Nations agencies and non-governmental organizations in response to the crisis in Rwanda. It calls on them to maintain their support during the difficult transition period and to begin to redirect their support from relief to rehabilitation and reconstruction. It endorses the Secretary-General's views as to the importance of immediate and coordinated assistance, in particular to the restoration of civil administration and the reconstruction of the social and economic infrastructure of the country.

The Security Council agrees with the Secretary-General that developments in Rwanda strengthen the case for a broader approach to the question of national reconciliation and other key aspects of the crisis. It encourages him to continue his consultations on how the United Nations can assist in the preparation and convening of an international conference to look into the problems of the subregion.

The Security Council will remain seized of the matter.

RESOLUTION 955 (1994)

8 November 1994

Adopted by a vote of 13 in favour, 1 against (Rwanda) and 1 abstention (China).

Sponsors: Argentina, France, New Zealand, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Having considered the reports of the Secretary-General pursuant to paragraph 3 of resolution 935 (1994) of 1 July 1994 (S/1994/879 and S/1994/906), and ***having taken note*** of the reports of the Special Rapporteur for Rwanda of the United Nations Commission on Human Rights (S/1994/1157, annex I and annex II),

Expressing appreciation for the work of the Commission of Experts established pursuant to resolution 935 (1994), in particular its preliminary report on violations of international humanitarian law in Rwanda transmitted by the Secretary-General's letter of 1 October 1994 (S/1994/1125),

Expressing once again its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

Determining that this situation continues to constitute a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace,

Believing that the establishment of an international tribunal for the prosecution of persons responsible for genocide and the other above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

Stressing also the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects,

Considering that the Commission of Experts established pursuant to resolution 935 (1994) should continue on an urgent basis the collection of information relating to evidence of grave violations of international humanitarian law committed in the territory of Rwanda and should submit its final report to the Secretary-General by 30 November 1994,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides hereby, having received the request of the Government of Rwanda (S/1994/1115), to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 and to this end to adopt the Statute of the International Criminal Tribunal for Rwanda annexed hereto;

2. Decides that all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the Statute of the International Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the Statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 28 of the Statute, and ***requests*** States to keep the Secretary-General informed of such measures;

3. Considers that the Government of Rwanda should be notified prior to the taking of decisions under articles 26 and 27 of the Statute;

4. Urges States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel;

5. Requests the Secretary-General to implement this resolution urgently and in particular to make practical arrangements for the effective functioning of the International Tribunal, including recommendations to the Council as to possible locations for the seat of the International Tribunal at the earliest time and to report periodically to the Council;

6. Decides that the seat of the International Tribunal shall be determined by the Council having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy, and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat, acceptable to the Council, having regard to the fact that the International Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions; and ***decides*** that an office will be established and proceedings will be conducted in Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements;

7. Decides to consider increasing the number of judges and Trial Chambers of the International Tribunal if it becomes necessary;

8. Decides to remain actively seized of the matter.

ANNEX

STATUTE OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "the International Tribunal for Rwanda") shall function in accordance with the provisions of the present Statute.

Article 1

COMPETENCE OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present Statute.

Article 2

GENOCIDE

1. The International Tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article 3

CRIMES AGAINST HUMANITY

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation;

(e) Imprisonment;

(f) Torture;

(g) Rape;

(h) Persecutions on political, racial and religious grounds;

(i) Other inhumane acts.

Article 4

VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed serious violations of Article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include, but shall not be limited to:

(a) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(b) Collective punishments;

(c) Taking of hostages;

(d) Acts of terrorism;

(e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(f) Pillage;

(g) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

(h) Threats to commit any of the foregoing acts.

Article 5

PERSONAL JURISDICTION

The International Tribunal for Rwanda shall have jurisdiction over natural persons pursuant to the provisions of the present Statute.

Article 6

INDIVIDUAL CRIMINAL RESPONSIBILITY

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 4 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal for Rwanda determines that justice so requires.

Article 7

TERRITORIAL AND TEMPORAL JURISDICTION

The territorial jurisdiction of the International Tribunal for Rwanda shall extend to the territory of Rwanda including its land surface and airspace as well as to the territory of neighbouring States in respect of serious violations of international humanitarian law committed by Rwandan citizens. The temporal jurisdiction of the International Tribunal for Rwanda shall extend to a period beginning on 1 January 1994 and ending on 31 December 1994.

Article 8

CONCURRENT JURISDICTION

1. The International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitar-

ian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present Statute and the Rules of Procedure and Evidence of the International Tribunal for Rwanda.

Article 9

NON BIS IN IDEM

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present Statute, for which he or she has already been tried by the International Tribunal for Rwanda.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal for Rwanda only if:

(a) The act for which he or she was tried was characterized as an ordinary crime; or
(b) The national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal for Rwanda shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 10

ORGANIZATION OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

The International Tribunal for Rwanda shall consist of the following organs:

(a) The Chambers, comprising two Trial Chambers and an Appeals Chamber;

(b) The Prosecutor; and

(c) A Registry.

Article 11

COMPOSITION OF THE CHAMBERS

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

(a) Three judges shall serve in each of the Trial Chambers;

(b) Five judges shall serve in the Appeals Chamber.

Article 12

QUALIFICATION AND ELECTION OF JUDGES

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining

permanent observer missions at United Nations Headquarters;

(b) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twelve and not more than eighteen candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the six judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-Member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

Article 13

OFFICERS AND MEMBERS OF THE CHAMBERS

1. The judges of the International Tribunal for Rwanda shall elect a President.

2. After consultation with the judges of the International Tribunal for Rwanda, the President shall assign the judges to the Trial Chambers. A judge shall serve only in the Chamber to which he or she was assigned.

3. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of that Trial Chamber as a whole.

Article 14

RULES OF PROCEDURE AND EVIDENCE

The judges of the International Tribunal for Rwanda shall adopt, for the purpose of proceedings before the International Tribunal for Rwanda, the rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia with such changes as they deem necessary.

Article 15

THE PROSECUTOR

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda. He or she shall have additional staff, including an additional Deputy

Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. Such staff shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

Article 16
THE REGISTRY

1. The Registry shall be responsible for the administration and servicing of the International Tribunal for Rwanda.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal for Rwanda. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

Article 17
INVESTIGATION AND PREPARATION OF INDICTMENT

1. The Prosecutor shall initiate investigations ex-officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his or her own choice, including the right to have legal assistance assigned to the suspect without payment by him or her in any such case if he or she does not have sufficient means to pay for it, as well as to necessary translation into and from a language he or she speaks and understands.

4. Upon a determination that a prima facie case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a judge of the Trial Chamber.

Article 18
REVIEW OF THE INDICTMENT

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a prima facie case has been established by the Prosecutor, he or she shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

Article 19
COMMENCEMENT AND CONDUCT OF TRIAL PROCEEDINGS

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal for Rwanda, be taken into custody, immediately informed of the charges against him or her and transferred to the International Tribunal for Rwanda.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct

the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

Article 20

RIGHTS OF THE ACCUSED

1. All persons shall be equal before the International Tribunal for Rwanda.

2. In the determination of charges against him or her, the accused shall be entitled to a fair and public hearing, subject to article 21 of the Statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;

(b) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;

(c) To be tried without undue delay;

(d) To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;

(f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;

(g) Not to be compelled to testify against himself or herself or to confess guilt.

Article 21

PROTECTION OF VICTIMS AND WITNESSES

The International Tribunal for Rwanda shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the victim's identity.

Article 22

JUDGEMENT

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

Article 23

PENALTIES

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of Rwanda.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

Article 24

APPELLATE PROCEEDINGS

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

(a) An error on a question of law invalidating the decision; or

(b) An error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

Article 25

REVIEW PROCEEDINGS

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal for Rwanda an application for review of the judgement.

Article 26

ENFORCEMENT OF SENTENCES

Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the International Tribunal for Rwanda. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda.

Article 27

PARDON OR COMMUTATION OF SENTENCES

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal for Rwanda accordingly. There shall only be pardon or commutation of sentence if the President of the International Tribunal for Rwanda, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

Article 28

COOPERATION AND JUDICIAL ASSISTANCE

1. States shall cooperate with the International Tribunal for Rwanda in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

(a) The identification and location of persons;

(b) The taking of testimony and the production of evidence;

(c) The service of documents;

(d) The arrest or detention of persons;

(e) The surrender or the transfer of the accused to the International Tribunal for Rwanda.

Article 29

THE STATUS, PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the International Tribunal for Rwanda, the judges, the Prosecutor and his or her staff, and the Registrar and his or her staff.

2. The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of this article.

4. Other persons, including the accused, required at the seat or meeting place of the International Tribunal for

Rwanda shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal for Rwanda.

Article 30

EXPENSES OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

The expenses of the International Tribunal for Rwanda shall be expenses of the Organization in accordance with Article 17 of the Charter of the United Nations.

Article 31

WORKING LANGUAGES

The working languages of the International Tribunal shall be English and French.

Article 32

ANNUAL REPORT

The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

STATEMENT BY THE PRESIDENT

30 November 1994 (S/PRST/1994/75)

At the 3472nd meeting of the Security Council, held on 30 November 1994, in connection with the Council's consideration of the item entitled "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

The Security Council has considered carefully the report of the Secretary-General dated 18 November 1994 on the security in the Rwandese refugee camps (S/1994/1308), particularly those located in Zaire. It is gravely concerned at the situation described in the Secretary-General's report.

The Security Council condemns the actions being taken by the former Rwandan leaders, and by former government forces and militias to prevent, in some cases by force, the repatriation of the refugees in the camps. It also condemns the ongoing interference by these groups and individuals in the provision of humanitarian relief, and is deeply concerned that this interference has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies within the camps.

The Security Council is alarmed at the indications that these same groups and individuals may be preparing for an armed invasion of Rwanda. It deplores the fact that food distributed by relief agencies for those in the camps is apparently being misappropriated for this purpose. The Council condemns all such actions. It warns these persons, many of whom may have been implicated in the genocide and other serious violations of international humanitarian law which were unleashed on Rwanda in April 1994, that their actions will only reinforce the determination of the international community to ensure that such persons are brought to justice. The Council also stresses once again the responsibilities of neighbouring countries for ensuring that their territories are not used to destabilize the situation inside Rwanda.

The Security Council notes the statement in the Secretary-General's report of 18 November 1994 that the first step towards promoting the repatriation of refugees must be a determined effort by the international community to reduce intimidation of prospective returnees and to improve security in the Rwandese refugee camps, especially those in Zaire. The Security Council attaches equal importance to the Secretary-General's observation that any operation to achieve this would be futile without parallel efforts to promote national reconciliation and reconstruction in Rwanda. The Council stresses the imperative of reinvigorating the political process to provide a framework for any action taken to address security in the camps and the repatriation of Rwandese refugees to Rwanda. The framework should include a mechanism for sustaining a dialogue between the Government of Rwanda, refugee representatives and the United Nations.

The Security Council considers that the options described in the Secretary-General's report raise complex issues which require further elucidation. The Council requests

the Secretary-General to consult potential troop contributors to assess their willingness to participate in a possible peace-keeping operation modelled along the lines described in paragraphs 18 to 25 of the Secretary-General's report, namely to create secure areas within large camp sites, providing safe conditions for the refugees in those areas. The Council requests the Secretary-General to provide a detailed description of the objectives, rules of engagement and costs of such an operation as soon as possible. The Council further requests the Secretary-General to continue to explore as appropriate all possible means of addressing the problems in the camps. The Council will be giving further urgent consideration of this question in the light of the additional information it receives from the Secretary-General.

The Security Council encourages the Secretary-General to assess the taking, on an interim basis, of initial measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts, from member Governments or through contract arrangements, to train and monitor the local security forces. The Council also requests the Secretary-General to consider what steps need to be taken to address the question of security in the refugee camps in Tanzania and Burundi. However, the Council is concerned that the use of local security forces without international involvement may not prove to be an effective approach to the security problems in the camps.

The Security Council recognizes that, in the wake of the events that have overtaken Rwanda, the Government needs immediate and major financial assistance, particularly in the establishment of security conditions inside the country, the maintenance of law and order, the administration of justice, economic and social rehabilitation and national reconciliation for all Rwandese.

The Security Council notes the deployment of 60 human rights officers in the country and the steps taken by UNAMIR to promote the re-establishment of civil administration throughout the country and looks forward to full deployment. The Council also welcomes the fact that procedures are being instituted, with the cooperation of the Government of Rwanda, to make operational the International Tribunal for Rwanda established in resolution 955 (1994).

The Security Council reminds States that, in accordance with resolution 925 (1994), the Secretary-General has established a trust fund which could serve as a useful conduit for contributions to meet the immediate needs of the Government of Rwanda. It calls upon the international community to provide the resources needed for the Rwanda Emergency Normalization Plan, the forthcoming UNDP-sponsored round-table meeting and the consolidated inter-agency appeal.

The Security Council welcomes the Secretary-General's intention to work with the Organization of African Unity (OAU) to address the wider problems of the subregion.

The Security Council notes that preparations are under way for the convening in Bujumbura in the near future of a regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, sponsored by the OAU and endorsed by the General Assembly in resolution 49/7. It also notes the Secretary-General's view that the United Nations and OAU should jointly convene at a later stage a broader conference to address a range of political and other issues, including national reconciliation, in order to identify long-term solutions to ensure peace, security and development in the subregion. Given the urgent need to take forward the political process as part of an overall strategy, including action on security in the camps and conditions inside Rwanda, the Council requests the Secretary-General to consider how preparations for this conference can be accelerated.

The Security Council will remain seized of the matter.

RESOLUTION 965 (1994)

30 November 1994

Adopted by unanimous vote.
Prepared in the course of the Council's consultations.

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), and its resolutions 912 (1994) of 4 April 1994, 918 (1994) of 17 May 1994, and 925 (1994) of 8 June 1994, which set out the mandate of UNAMIR,

Having considered the progress report of the Secretary-General on UNAMIR dated 25 November 1994 (S/1994/1344),

Noting the report of the Secretary-General on security in the Rwandese refugee camps of 18 November 1994 (S/1994/1308),

Recalling its resolution 955 (1994) of 8 November establishing the International Tribunal for Rwanda,

Stressing the importance of achieving genuine reconciliation between all elements of Rwandan society within the frame of reference of the Arusha Peace Agreement,

Noting the deployment of human rights officers to Rwanda by the High Commissioner for Human Rights in order to monitor the ongoing human rights situation, to help redress existing problems and prevent possible human rights violations from occurring, to help foster a climate of confidence and the establishment of a more secure environment and thus facilitate the return of refugees and displaced persons, and to implement programmes of technical cooperation in the field of human rights, particularly in the area of administration of justice,

Noting also that the widespread dispersal of landmines is causing hardship to the civilian population and is hampering the return of refugees and displaced persons and other humanitarian relief efforts,

Welcoming the establishment by the Secretary-General of a Trust Fund pursuant to resolution 925 (1994) of 8 June 1994,

1. Decides to extend the mandate of UNAMIR until 9 June 1995;

2. Reaffirms that UNAMIR will:

(a) Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;

(c) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

3. Decides to expand UNAMIR's mandate to include the following additional responsibilities within the limits of the resources available to it:

(a) Contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, including full-time protection for the Prosecutor's Office, as well as security details for missions outside Kigali;

(b) Assist in the establishment and training of a new, integrated, national police force;

4. Strongly urges the Government of Rwanda to continue its cooperation with UNAMIR in the implementation of its mandate and in particular in ensuring unimpeded access to all areas of Rwanda by UNAMIR forces, personnel of the International Tribunal for Rwanda, and human rights officers;

5. Welcomes UNAMIR's efforts to increase its radio broadcasting capabilities so as to reach the refugee camps in neighbouring countries and ***expresses*** the hope that it will soon be possible for the Government of Rwanda to conclude appropriate arrangements with UNAMIR in this regard, including the allocation of a radio frequency;

6. Commends the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, and ***encourages*** them to continue and increase such assistance, particularly in Rwanda;

7. Requests the Secretary-General to make recommendations on possible steps that could be taken by the United Nations to promote the establishment of an effective mine clearance programme in Rwanda;

8. Calls upon the international community to provide resources needed to meet the immediate needs of the Government of Rwanda directly or through the Trust Fund established pursuant to resolution 925 (1994) of 8 June 1994;

9. Requests the Secretary-General, following the usual consultations, to inform the Council should he consider that the additional tasks in paragraph 3 require consideration of an adjustment in the logistic and personnel requirements of UNAMIR;

10. Decides to keep under review the situation in Rwanda and the role played by UNAMIR and, to that end, ***requests*** the Secretary-General to report to the Council by 9 February 1995 and 9 April 1995, on UNAMIR's discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees;

11. Commends the efforts of the Secretary-General, his Special Representative and his Special Humanitarian Envoy to coordinate the United Nations response to the various aspects of the crisis in Rwanda;

12. Decides to remain actively seized of the matter.

STATEMENT BY THE PRESIDENT

10 February 1995 (S/PRST/1995/7)

At the 3500th meeting of the Security Council, held on 10 February 1995, in connection with the Council's consideration of the item entitled "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

1. The Security Council has considered the second report of the Secretary-General dated 25 January 1995 on the security in the Rwandese refugee camps (S/1995/65), particularly those located in Zaire and his letter dated 1 February 1995 (S/1995/127) on this subject.

2. The Security Council agrees with the Secretary-General's assessment that the present situation in many of the refugee camps remains dangerous for both refugees and relief workers and that the situation is also potentially destabilizing for the subregion as a whole. It is gravely concerned at reports of continuing intimidation and security problems in the camps, particularly in Zaire and reaffirms its condemnation of actions of former Rwandese leaders living in the camps, and of former government forces and militias to prevent, in some cases by force, the repatriation of the refugees. It also remains concerned at the security threat to international relief workers. It welcomes the steps taken by some of the host countries concerned to improve the security situation in the camps. The Council remains concerned at the obstacles posed by the former civil and military authorities and militias to effective local administration by the host countries and the discharge by UNHCR of its mission.

3. The Security Council attaches great importance to the earliest possible action to address the security problems in the camps. In this context it welcomes the decision that UNHCR, under its refugee protection and humanitarian assistance mandate, conclude appropriate arrangements with the Government of Zaire to enhance security in the camps. It welcomes the agreement between UNHCR and the Government of Zaire of 27 January 1995 to deploy 1,500 Zairian security forces and a UNHCR liaison group. It also welcomes the agreement reached between the Governments of Zaire and Rwanda on the return of refugees and property and urges its full implementation. The Security Council urges Member States to provide UNHCR with the resources needed in the context of the agreement concluded between it and the Government of Zaire. It stresses the importance of close coordination of all operations with

UNAMIR. The Council endorses the efforts of UNHCR, in cooperation with the United Republic of Tanzania, to put in place security arrangements in the Tanzanian camps, and encourages UNHCR also to address the situation in Burundi. The Council requests the Secretary-General to report to it on a regular basis on the implementation of operations carried out by UNHCR.

4. The Security Council stresses the importance of ensuring that accurate information about the situation inside Rwanda is disseminated to the camps. In this respect, it reaffirms the importance of UNAMIR Radio commencing its broadcasts as soon as possible.

5. The Security Council encourages efforts to provide security in the camps and notes that they have to be accompanied by further efforts in Rwanda to ensure that refugees can return to their homes without fear of retribution or persecution. In this regard it acknowledges the achievements of the Government of Rwanda, despite the difficulty of the task and the lack of resources. It encourages the Government of Rwanda to continue to provide a framework for the action to be taken to repatriate the refugees, to promote national reconciliation, and to reinvigorate the political process and calls upon the international community to continue to support the Government of Rwanda in its task. The Council reaffirms its view that such a framework should also include an appropriate mechanism for sustaining a dialogue between the Government of Rwanda, the refugee community and the United Nations. It welcomes the conclusions of the summit meeting of leaders in the subregion, held in Nairobi on 7 January 1995. The Council encourages the International Tribunal for Rwanda established in resolution 955 (1994) in its work, as well as efforts to rebuild the local Rwandese judicial system to facilitate the maintenance of law and order. The Council welcomes the commitments made at the recent Round-table Conference on Rwanda and in response to the consolidated inter-agency appeal that will assist the Government of Rwanda in its efforts to rebuild the country and to promote national reconciliation.

6. The Security Council looks forward to the regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, to be hosted by the Organization of African Unity (OAU) and UNHCR in Bujumbura from 15 to 17 February 1995. The Council expresses the hope that this conference will lead to further progress in creating the conditions necessary for the refugees and displaced persons to return to their homes and that it will facilitate the identification of long-term solutions to promote and ensure peace, security and development in the subregion, those issues to be the subject-matter of a further and broader conference of a political nature.

7. The Security Council underlines that the presence of the refugee camps should only be temporary and that the return of the refugees to their homes in Rwanda remains the ultimate goal. It requests the Secretary-General to continue his exploration of all options and to make any further recommendations necessary for ensuring security in the camps as soon as possible and to submit a further report on this subject in the light of the outcome of the conference in Bujumbura.

8. The Security Council will remain seized of the matter and will keep it under close review.

RESOLUTION 977 (1995)

22 February 1995

Adopted by unanimous vote.
Prepared in the course of the Council's consultations.

The Security Council,

Recalling its resolution 955 (1994) of 8 November 1994,

Having regard to its decision contained in paragraph 6 of resolution 955 (1994) that the seat of the International Tribunal for Rwanda shall be determined by the Council,

Having considered the report of the Secretary-General dated 13 February 1995 (S/1995/134) and ***noting*** the recommendation of the Secretary-General that, sub-

ject to appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania acceptable to the Council, Arusha be determined as the seat of the International Tribunal for Rwanda,

Noting the willingness of the Government of Rwanda to cooperate with the Tribunal,

Decides that, subject to the conclusion of appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania, the International Tribunal for Rwanda shall have its seat at Arusha.

RESOLUTION 978 (1995)

27 February 1995

Adopted by unanimous vote.
Sponsor: the United States of America.

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 935 (1994) and 955 (1994),

Expressing once again its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

Noting that these reports were confirmed in the final report of the Commission of Experts submitted pursuant to resolution 935 (1994) (S/1994/1405, annex),

Recalling the obligations contained in resolution 955 (1994), which created the International Tribunal for Rwanda,

Concerned by the conditions in the refugee camps outside Rwanda, including reports of violence directed against refugees who voluntarily wish to return to Rwanda,

Determined to put an end to violations of international humanitarian law and serious acts of violence directed against refugees, and that effective measures be taken to bring to justice the persons who are responsible for such crimes,

Noting the reports of the Secretary-General on security in the Rwandese refugee camps of 18 November 1994 (S/1994/1308) and 25 January 1995 (S/1995/65),

Welcoming the report of the Secretary-General (S/1995/134) dated 13 February 1995 and ***stressing*** the importance of taking all measures for the early and effective functioning of the International Tribunal for Rwanda,

Stressing the need for States to take as soon as possible any measures necessary under their domestic law to implement the provisions of resolution 955 (1994) and of the Statute of the International Tribunal for Rwanda,

1. Urges States to arrest and detain, in accordance with their national law and relevant standards of international law, pending prosecution by the International Tribunal for Rwanda or by the appropriate national authorities, persons found within their territory against whom there is sufficient evidence that they were responsible for acts within the jurisdiction of the International Tribunal for Rwanda;

2. Urges States who detain persons referred to in paragraph 1 above to inform the Secretary-General and the Prosecutor of the International Tribunal for Rwanda of the identity of the persons detained, the nature of the crimes believed to have been committed, the evidence providing probable cause for the detentions, the date when the persons were detained and the place of detention;

3. Urges States who detain such persons to cooperate with representatives of the International Committee of the Red Cross, as well as investigators for the International Tribunal for Rwanda, in order to secure unimpeded access to those persons;

4. Condemns all attacks against persons in the refugee camps near the borders of Rwanda, ***demands*** that such

attacks immediately cease, and ***calls upon*** States to take appropriate steps to prevent such attacks;

5. Urges States, on whose territory serious acts of violence in the refugee camps have taken place, to arrest and detain, in accordance with their national law and relevant standards of international law, and submit to the appropriate authorities for the purpose of prosecution persons against whom there is sufficient evidence that they have incited or participated in such acts and further urges the States concerned to keep the Secretary-General informed of the measures they have taken to this effect;

6. Decides to remain actively seized of the matter.

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